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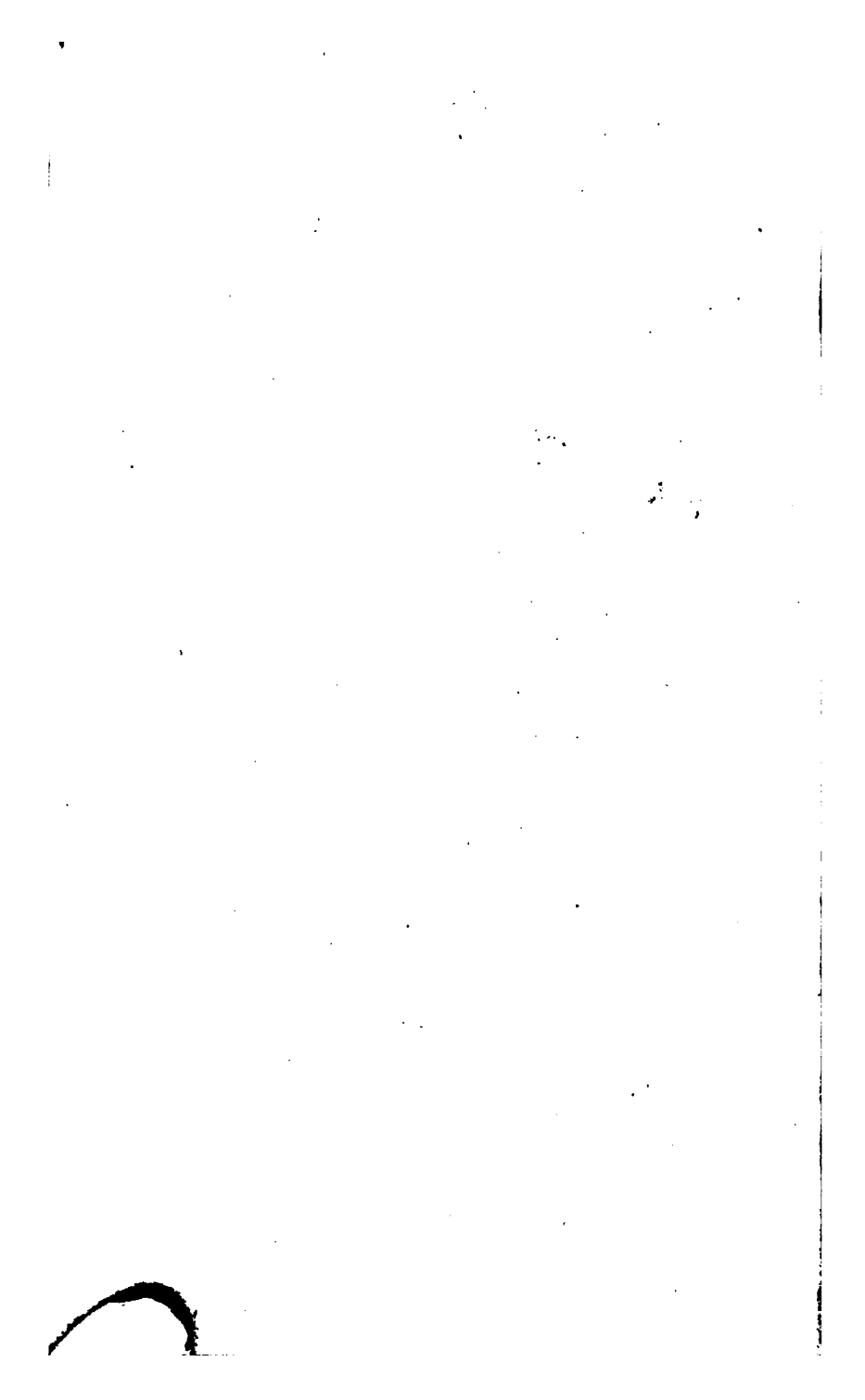
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THE  
Historical Register,

Containing

An Impartial RELATION  
of all TRANSACTIONS, *Foreign*  
and *Domestick*.

WITH A

*Chronological Diary*

OF ALL

The remarkable OCCURRENCES,  
*viz. Births, Marriages, Deaths, Removals,*  
*Promotions, &c.* that happen'd in this  
Year: Together with the *Characters* and  
*Parentage* of Persons deceased, of emi-  
nent Rank.

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VOLUME VIII.

For the Year 1723.

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LONDON,

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four last *Registers* in one Volume.  
And, for the same Reason, a Table  
is added at the End of the Thirty-  
second *Register*, of all the principal  
Matters contain'd in them.



English  
Harding  
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THE

# Historical Register.

NUMBER XXIX.

WEST-INDIES.

*South-Carolina.*



SOON after the Arrival of *Francis Nicholson*, Esq; Governor of this Province, his Excellency indefatigably apply'd himself to regulate the Affairs of this Government, which he found in great Disorder; and first settl'd a good Understanding with the *Indians*, call'd *Cherokees*, or *Charokees*, a very populous Nation, living in the Mountains, within 300 Miles of *Charles-Town*, whither these *Indians* sent Deputies to adjust some Differences, immediately upon the Notice they had of the Governor's Arrival; and soon afterwards, they made a more numerous Deputation to perfect what was begun by their former Deputies. 'Tis a Curiosity worth knowing, the Way of treating between the *English* and the *Indians*; and therefore the following Speeches will, we hope, be acceptable to our Readers.

*The Speech of his Excellency Francis Nicholson, Esq; Governor of this Province, to Woosataste, or Wootassitau, King, and to the Heads of the Lower and Middle Settlements of the Charokee Nations.*

WHEN you deliver'd your Acknowledgements, and paid your Submission to this Government, the other Day, I observ'd you made Mention of 37  
A Towns

Towns that had sent down their Chiefs for that Purpose; and since I am now ready to deliver my Thoughts to you, I am willing to be satisfy'd whether they are all here, that they may in their respective Towns, exhort their People to observe what I say, when they shall presume to take upon them to act contrary.

His most Sacred Majesty, the King of *Great Britain*, has honour'd me with his Commission, not only to govern the Christian Inhabitants of this Province of *South-Carolina*, but also all the *Indian Nations* that own Obedience to his Government; therefore I signify'd to you my Pleasure, that the Chief Men of each of your Towns should come to me, that such a lasting Peace and Friendship might be concluded between us, as might inviolably be kept, and had in Remembrance by us for ever: And it is a particular Satisfaction to me, to find, That your Nation has remarkably distinguish'd it self, in shewing your early Obedience to this Government, and your good Inclinations to cultivate a right Understanding with us: I do assure you, that nothing shall be wanting on my Part to promote and maintain the same; and as the following Propositions will greatly conduce thereto, I expect you will consent and agree to, and strictly observe them.

I. That at all Times, and on all Occasions, you shew and acknowledge your Obedience and Loyalty to this his Majesty's Government, and that you punctually observe and follow all such Orders, and Instructions as you shall from Time to Time receive from me, or any other of his Majesty's succeeding Governors; resting assur'd, that they will be founded on the best Methods for carrying on a Trade with you, and for the Safety and Security of this Province.

II. That you pay due Obedience to all such of your Chief Men as this Government shall think merit to be particularly distinguish'd amongst you; and who in Consequence of that, shall receive the Favour of a Commission from this Government to have the Command over you.

III. That you behave your selves kindly and civilly to all *Englishmen*, coming to trade amongst you, and do them all the good Offices that lie in your Power; and that particular Care be taken, if at any Time any of your young Men, or others, shall injure any Trader in their Goods, or Horses, the Town to which the Offender belongs, shall make Satisfaction to the Person injur'd, and

and at all Times procure Provisions suitable for the Traders, at reasonable Prices.

IV. That since your Nation is so mountainous, that Pack-Horses cannot travel therein, you shall readily aid, and assist the Traders in carrying their Goods from Town to Town, for such Pay, as you and they shall agree, which will tend much to the Encouragement of the Trade.

V. I shall give strict Orders to all Persons trading amongst you from this Government, to behave themselves friendly to you, and that they do not presume to abuse, or impose any Hardships upon any of you; but should any of them act contrary to my Orders in that Behalf, your best Way will be to discourage such Traders, by buying no more Goods of them.

VI. Frequent Complaints have been made, that your People have often broke open the Stores belonging to our Traders, and carry'd away their Goods; and also pillag'd several of their Packs, when employ'd and entrusted to carry them up; and Restitution has never been made, which are great Faults: We therefore recommend to you, to take all possible Precautions to prevent such ill Practices for the future, which certainly will greatly decrease your Trade, rather than procure you a better Supply.

VII. I am now to tell you, that my best Endeavours shall be us'd constantly to supply you with Goods, as long as you continue to use our Traders kindly, as also the People of *Virginia*, who are, as well as we, the Subjects of his *Britannick* Majesty; and to prevent any Injury or Misunderstanding, we have pass'd a Law, which appoints Commissioners that are to go twice a Year to the *Congaree*, or *Savana* Garrison, to hear and redress all Grievances that shall hereafter happen between any of our Traders and your People; and the said Commissioners shall have with them that Part of our Law that relates to you, and shall cause the same to be interpreted to you.

VIII. *Wosafasate* being a Man in great Esteem amongst you, having given frequent Testimonies of his Affection and firm Adherence to this Government, and being appointed King over you by the former Governor of this Province; so I, who am sent immediately from his Majesty, having the same Regard to so deserving a Man, and in Compliance with your own Request, that I would constitute proper Commanders over you, do now declare the said *Wosafasate*, your Leader and Commander:

in Chief, over all the lower Settlements of the *Charrokees*, and give him a Commission for that Office, under the Broad Seal of this his Majesty's Province; and I do expect that you all pay him due Obedience, and give him all the Assistance in your Power, when the Interest and Safety of this Government, and the Security, and Assistance of the Traders amongst you are concern'd; and that you present him with Provisions of all Sorts, to enable him the better to entertain all the Chiefs among you, when they, or our Traders, have any Thing to communicate to him; and that you pay the same Obedience as if I was personally with you; I recommend this to you for your own Interest and Advantage, and expect you strictly observe it.

IX. I expect that you, *Wooofatafate*, Commander of the Lower People, do, within a Month after your Return, call together all the Chief Men in your District, and that you make them thoroughly acquainted with what I now say to you, and require of you, and shall give Directions; that all the *Englishmen* amongst you shall be at that Meeting.

X. That your ancient Government may be restor'd, I recommend to you to keep your young Men in that due Decorum they us'd to be; that they may be taught to obey their Superiors, and Men of Experience amongst them, and to behave themselves orderly, which I am inform'd they do not do; and when you put in Practice my Advice, you will soon find your Advantage in it.

XI. Some of your People having several Times heretofore come to this Government, to stipulate Matters in Behalf of your Nation, without any Authority from your Chiefs, which is of ill Consequence; I intend therefore to give some Tokens to the Commanders of the Upper and Lower Settlements to be kept by them; that when they have Occasion to communicate any Thing to this Government, they may send down the Token; by which Means we shall be convinc'd they are sufficiently authoriz'd to treat with us; otherwise no Notice will be taken of them.

XII. When at any Time I shall have any Proposals to make to you, I will send them in Writing, with the Broad Seal affix'd to them, which is the same as that fix'd to the Commission to some of the Traders, or others, which when you see, I expect you will have great Regard to them, and that you give due Faith and Credit to what

what such Trader, or others, shall say; and when he has offer'd to you my Thoughts, he is to deliver to you the said Paper, together with the Broad Seal, which you are to keep: And if any of them propose to you any Affair relating to the Government, without producing a new Broad Seal, you may look upon it as coming from themselves, and not from me; you are on no Account to make Complaints of any Traders by the Persuasion of another Trader.

XIII. The Present I now make you, is sent to you from the King of Great Britain, our great Master, which you are to divide amongst your selves; and the Piece of black Cloth is to shew the Concern we have for the Loss of your People that dy'd on their Return Home, the last Time they came to see me, which is to be given amongst the Families of the deceas'd.

XIV. As I have now declar'd myself in publick to you, and told you what I expect from you, so all former Faults are now forgot, and the Remembrance of them for ever bury'd between us, that we may live in the strictest Amity and Friendship; and as the King, my Royal Master, does always inviolably keep his Word, so he expects that every Body that are his Friends, and in Alliance with him, will be just to theirs, and therefore hope you will have great Regard to yours.

I wish you well Home, and recommend to you, so to govern your People, that there may never be any more Complaints, but that our Friendship may remain as long as the Sun and Moon endures.

*In Council, Feb. 3d.*

*1721-2. Read  
and approv'd.*

*A true Copy, examin'd*

*March 19, 1721-2  
Per Char. Hart, Secr.*

After all Matters were agreed, the Indians took their Leave about the Middle of March, and their King made the following Speech to the Governor.

*The Discourse of Wootassitaw, Chief King, or Governour of the Lower and Middle Settlements of the Charikees, to O-sy-con-no-weskee (good Speaker to all our Towns) our beloved Father, Francis Nicholson, Esq;*

**W**E look upon you as one of the great King's (of the other Side the Water) beloved Children, and understand that the great King has sent us these Goods which you have given us in his Name, and desire all  
our

our hearty Thanks to be return'd to the great King for the same.

Now we desire you, being the great King's beloved Child, that we have made you our great Governor, in the King's Stead, and shall now call you by a Name in our own Language, which is *O-ff-con-na-weskee*, to all our Towns.

We desire, as we take you for our Father, and great Governor, that you will take that Care of us, that we may not want for a good Trade of Goods from this Country; and that for the future, we will be loving and kind to all such Traders as you shall send among us.

We have been down here some considerable Time, and shall be ready to depart from hence in two Days. We acknowledge to have receiv'd Abundance of Civilities, more than ever before, for which we return you all our hearty Thanks, and desire to know where we shall get Provisions to carry us Home; and also we beg to know what Traders are now going up, and desire that Captain *Hutton*, and Mr. *Wigan* may go with us in Company; for we hear the *Greeks* lie in the Road waiting for us, and do desire that we may be well supply'd with Ammunition by the Traders that are now going up, that we may be at all Times able to defend our selves and you.

Now we bid you Farewel, and at all Times shall be sure and punctual in obeying your Commands, and do expect to hear from you by every Opportunity that presents.

We ask'd you for some of our People to go Home, to see our great King, but have not had your Answer.

We desire to hear all News by every Opportunity that offers, and shall at all Times let you know what News there is among us.

That all Times, when you write us any News, let us know, if you are disturbed by any Enemies; for we shall be at all Times ready to come down in a Body to your Assistance.

*A true Copy,*  
March 19, 1721-2.

*Eleaner Wigan* Interpr.  
Examin'd by  
*Char. Hart*, Sec.

JAMAICA



## J A M A I C A.

TOWARDS the End of last Year, the following melancholy Advices were receiv'd from *Jamaica*, publish'd there by Authority.

*Kingston, September 3.*

ON the 28th past we had here a violent Hurricane: It began at Eight in the Morning, and continu'd until Ten at Night: The Height of it was from Eleven at Noon till One; during which Time, it rain'd very hard, and the Wind often shifted: Near one Half of the Houses are thrown down, or shatter'd to such a Degree, that they are irreparable, and few, or none, have escap'd without some Damage; insomuch that the Town appears in a ruinous Condition: Several People are wounded; but we hear of no more than three Persons who lost their Lives. The Wharfs are all destroy'd, and most of the Sugars and other Commodities that were there, are wash'd away. From *Liguania* we hear, that most of their Works and Houses are blown down, and a Plantation entirely destroy'd by a vast Quantity of Sand being wash'd into it. We likewise hear, they have sustain'd great Damages at *St. Mary's, Wagwater, St. David's*, and *St. Thomas's* in the East; but we have not the Particulars. We are inform'd, the Hurricane began at some of those Places, about Seven the Night before; and the Damage they receiv'd, was between that Time and Eight the next Morning, when its Violence abated.

*St. Jago de la Vega, September 3.*

WE have receiv'd considerable Damage in our Buildings in the late Hurricane, particularly the King's House, and Secretary's Office; but we hear of very few that are any ways hurt in their Persons. It is remarkable, that those Houses which were built by the *Spaniards* sustain'd very little Damage, though 'tis now six-tyseven Years since the Conquest of that Island; consequently, those Buildings are of a much older Date: From whence we may reasonably conclude, that they have met with Accidents of the like Nature, that put them upon that Manner of Building. We have an Account from *Old-Harbour*, that the Houses and People there are all destroy'd except two; and that most of their Works and Houses at the Plantations are thrown down:

down: They have likewise suffer'd very much at *Sixteen-Mile-Walk*, and *St. Thomas's in the Vale*. Yesterday his Excellency sat in Council; and this Day was publish'd a Proclamation, for securing and restoring to the right Owners, the Goods that have been embezzl'd in this Calamity.

*Port-Royal, September, 5.*

THE dreadful Hurricane we had here, the 28th of last Month, we were under Apprehensions of the Day before, from the Weather appearing very unsettled, and the Wind often shifting: But the most surprising Circumstance, which put us under the greatest Consternation, was the prodigious Swell of the Sea; throwing up several hundred Tuns of Stones, and Rocks of a large Size, over the Wall, at the Eastward Part of the Town, though at the same Time there was very little, if any, Wind. In the Night, there was some Rain, Thunder and Lightning, the which, we were in Hopes would have clear'd the Air; but before the Morning, the Town was overflow'd with Water, occasion'd by the Continuance of the Swell of the Sea: About Eight, it began to blow with great Violence, at N. E. and continu'd till Ten at Night, during which Time, it rain'd very hard, and the Wind often shifted; but the extream Part was from Eleven at Noon till One, when the Water was about five Foot high all over the Town, and we expected every Moment to be destroy'd. About Three in the Afternoon, the Wind abated by Degrees, and the Waters fell away; but a more melancholy Prospect scarcely ever was seen, and is not to be describ'd: The Streets being cover'd with Ruins of Houses, Wrecks of Boats and Vessels, and great Numbers of dead Bodies: The Inhabitants that were preserv'd, reduc'd to great Extremity for want of Water, Provisions, and other Necessaries, which were mostly destroy'd; insomuch that a great Number must have perish'd, had it not been for the Assistance of his Majesty's Ships that rid out the Storm. *Fort-Charles* has suffer'd very much, and the East End sunk several Foot; most of the Cannon dismounted, and some wash'd into the Sea: The Church, and the Row of Houses to the Eastward of the Town, are wash'd away; insomuch that there is very little Appearance of any Buildings. Near 400 Persons lost their Lives, and above Half the Town is destroy'd: In short, the Damage is so considerable,

considerable, that it cannot be computed. The Magistrates were very diligent on this unhappy Occasion, in burying the dead Bodies, and preventing Provisions being sold at higher Rates, than they were at, before the Storm.

The Duke of York, Captain Saunders of London, cast away near Green Bay, the Master and Men, except three, drown'd. The *Christabella*, Captain Griffin, of London, drove ashore, and broke her Back, the Men and Part of the Cargo sav'd. The *King William*, Captain Ruddock of Bristol, stranded, the Men and Part of the Cargo sav'd. *Frederick*, Captain Good, of Bristol, stranded, the Men sav'd. The *Robert* and *Henry* of Bristol, Captain Jones, stranded, Men sav'd, Cargo lost. The *Kingston*, Captain Masters, in the Service of the South-Sea Company, with 200 Negroes on board, founder'd, the Master, and most of the Men and Negroes drown'd. The *Onflow*, and another of the Prizes taken by the *Swallow*, on the Coast of Guiney from the Pirates, are lost; the other call'd the *Ranger*, rid out the Storm, after cutting away her Masts. Fourteen Sloops, most of them belonging to the Island, are lost.

Kingston, Sept. 10.

WE hear from St. Anne's, they have had the Hurricane in as violent a Degree there, as on this Side of the Island, and have suffer'd as much in their Buildings and Plantations. The *Frost Frigate* of London, Captain Hingston, drove ashore, and is lost, the Men are all sav'd. The *Bershua*, Captain Fry, drove ashore, but got off the next Day, and sails in a few Days for London. The *Catherine*, Captain Barnett, in the Service of the Country, we are inform'd, got into Davis's Cove, and rid out the Storm. This Calamity we find to be general throughout the Island, tho' some Parishes have suffer'd in a greater Degree than others: St. Thomas's in the East, and St. Mary's, have sustain'd the least Damage; and Port-Royal the most, in all Respects.

A LIST of the Ships that were in our Harbour, and the Damage they sustain'd in the Hurricane; those that are mark'd with a Star, are since come up.

Of London.

The Brown, Capt. Myers, drove ashore, near the Mouth of Rio-Cobre, and expected to be got off.

B

Whidah,

*Whidah*, Capt. *Dags*, drove on the middle Ground, and stranded, Men and Cargo sav'd.

\* *Don Carolus*, Capt. *Nickias*, cut away her Masts, and rid out the Storm.

\* *Portland*, Capt. *Lubbock*, cut away her Masts, and rid out the Storm.

*Elizabeth*, Capt. *Shape*, overfet, Men all lost.

*Prophet Elias*, stranded, Men and Cargo all sav'd.

*Ferrer's Galiev*, Capt. *Aubin*, stranded, near *Passage-Fort*, Men and Cargo sav'd.

*Bridgport*, Capt. *Way*, stranded on the middle Ground, Men and Cargo sav'd.

\* *Dove-Galley*, Capt. *Orely*, cut away her Masts, and rid out the Storm.

*Neptune*, Capt. *Hill*, stranded, Men sav'd.

*Snow George*, Capt. *Thompson*, stranded, Men sav'd.

\* *Dennis*, Capt. *Loane*, lost her Masts, drove ashore, and since got off.

*Adventure*, Capt. *Easterfon*, overfet, Men all lost.

*Princess Amelia*, Capt. *Perry* of *Virginia*, drove ashore, near *Hunt's Bay*, expected to be got off.

#### *Of Bristol.*

*The Kingston*, Capt. *Thomas*, drove ashore near *Passage-Fort*, expected to be got off.

*Hartford*, Capt. *Lillie*, cut away her Masts, drove over the middle Ground, rid out the Storm, since sunk, Men sav'd, Cargo all lost.

*Charles*, Capt. *Martin*, drove over to *Green-Bay*, 100 Yards on dry Land.

*Milford*, Capt. *Foy*, overfet, Men all sav'd.

*Lifson*, Capt. *Tate*, stranded, the Men and Part of the Cargo sav'd.

*Richard* and *Mary*, Capt. *Beal*, drove ashore, and stranded, Men sav'd.

*Pennsylvania Merchant*, Capt. *Gordon*, drove ashore, and stranded, Men sav'd.

*Dover Galley*, Capt. *Harris*, drove ashore, and stranded, Men sav'd.

*Dove*, Capt. *Scot*, stranded, Men and Part of the Cargo sav'd.

#### *Of Liverpool.*

*The Greyhound*, Capt. *Coppell*, drove on dry Land, the Men all lost.

*Mary,*

*Mary*, Capt. *Fletcher*, stranded, the Men and Cargo sav'd.

*Hannah* and *Sarah*, Capt. *Kerfoot*, drove ashore, expected to get off.

*William* and *Betty*, Capt. *Smith*, drove ashore, and stranded, the Men sav'd.

*William Snow*, Capt. *Bailie*, stranded, the Men sav'd.

There were likewise in our Harbour ten Sloops belonging to the Island, seven of which are lost, and three drove among the *Mangroves*, into a Morass.

*Extract of a Letter to the Lords Commissioners of the Admiralty, from Captain Harris, Commander in Chief of his Majesty's Ships at Jamaica.*

*From on Board his Majesty's Ship, the Falkland, in Port-Royal Harbour in Jamaica, Sept. 8. 1722.*

ON the 28th past, about Eight in the Morning, we had a very violent Hurricane, which held all the Day, so that of about 30 Sail of Merchant Ships, but two are left swimming; and but one Sloop of many that were in this Harbour, is sav'd. The Island in general has suffer'd very much, many of their Houses, Mills, &c. blown down, and I do not hear of any that have escap'd being much damag'd. One third Part of *Port Royal* is entirely destroy'd, and many Families lost by the Sea breaking into it. His Majesty's Ships here, viz. this Ship, the *Swallow*, *Weymouth*, and *Happy Sloop*, are safe, but we have lost all our Masts, and parted most of our Cables; our Boats are all gone, as are most of those belonging to the Town, which hinders us very much in looking for our Rafts of Masts, &c. We have got all our Anchors again, and our Ships into proper Births and moor'd. The *Launceston*, *Adventure*, and *Mermaid*, are at Sea. The naval Storehouse is blown down: I have People there, clearing away the Rubbish, and securing the Stores in the best Manner they can in the Victualling Storehouse, which stands without great Damage. When we can get our Rafts together, we shall endeavour to fix Jury Masts for the *Swallow*, and *Weymouth*, to carry them Home. I shall be getting this Ship masted, and fitted as soon as possible. The Storm made the *Happy Sloop* complain so much, that the Captain was oblig'd to clear his Decks of all his Guns, to keep her from foundering; but as we have got Masts for her, of some of the Sloops that were lost, we hope we shall get her fit for Sea, next Week.

*Extract of a Letter to the Right Honourable the Lord Carteret, one of his Majesty's principal Secretaries of State, from Sir Nicholas Lawes, Governor of Jamaica.*

*St. Jago de la Vega, Sept. 20, 1722.*

ON the 28th of *August* last, it pleas'd Almighty God to visit this Colony with a most dreadful Storm, which has blown down many of our Houses, destroy'd most of the Shipping in our Harbours, and many hundreds of People, particularly at *Port-Royal*, have lost their Lives by the Fall of Houses, and Inundation of the Sea. The Damage done to the Plantations throughout the whole Country is inconceivable. I have, with the Advices of the Council, issu'd Writs for calling a new Assembly to meet the 22d of *October* next.

Some Days before the Date of this Letter, Sir *Nicholas Lawes* caus'd the following Proclamation to be publish'd.

*Jamaica fl. By the King. A Proclamation.*

WHEREAS we are given to understand, that several wicked Persons, taking Advantage of the Misfortunes of our Subjects, occasion'd by the late terrible Storm, have barbarously plunder'd Ships, and other Vessels run on Shore, or stranded on the Coast of our said Island; and that the Goods of the Sufferers of our Town of *Port-Royal*, and other Places, have been in the most scandalous Manner secreted and embezzl'd; and we having nothing more at Heart than the Security of the Rights and Properties of our good Subjects, for whose late Losses we are sensibly afflicted; and to discourage the said Practice which is so abhorrent to Humanity and Justice; and to the End that Restitution may, as far as in us lies, be made to the rightful Owners, on their Representatives, We have, out of our Princely Compassion for the Miseries of our Subjects, thought fit, by the Advice of our Council of the said Island, to issue this our Royal Proclamation, hereby commanding our Provost-Marshal-General of our said Island, to seize upon, and take into his Possession, all such Goods as shall be found either on Ship-board, or on the Shore, and which were either Part of of the Cargo of any Ship, or Vessel, so stranded, or run on Shore as aforesaid, or were by the Overflowing of the Sea, or Rivers, wash'd out of any Dwelling-House, Storehouse, or Wharf, and

cast on other Parts of our said Island : And the better to enable our said-Provost Marshal to observe our Commands herein, we do hereby empower him to go on Board of, and search, all Merchant-Ships and Vessels in any of the Harbours or Rivers of our said Islands ; as also to administer an Oath to any Person, or Persons, whom he shall have Cause to suspect to have receiv'd, or still to detain, or conceal, such Goods as are herein before describ'd. And in Case of any Persons Refusal to deliver any of the said Goods, or to take such Oath concerning the said Goods, or any Part thereof, then to take him, her, or them into his Custody, there to be safely kept until farther Order. And we do farther authorize our said Provost-Marshal, to impress Slaves, Wains, and Boats, in the Execution of our Commands herein. And for the more speedy Redress of our Subjects, we do hereby direct our said Provost-Marshal to publish an Inventory, with the Marks or Numbers of all such Goods as shall come into his Hands by virtue of these Presents, which, upon Affidavit, or other Proof of the respective Owner or Owners Right or Property thereto, to the Satisfaction of our said Provost-Marshal, upon his Order, be immediately deliver'd to the said Owner or Owners. And we do strictly charge and command all our Justices, Coroners, Officers of our Customs, and other our Subjects to be aiding and assisting to our Provost-Marshal in the Execution of the Premises. And to the End that wicked Transgressors may also suffer the other Penalties inflicted on them by Law, we do enjoin all our Officers, and Subjects, to put in Execution, in the most rigid Manner (as far as the same regards our said Island) one Act of Parliament pass'd in the twelfth Year of the Reign of the late Queen Anne, intituled, *An Act for the preserving all such Ships and Goods thereof, which shall happen to be forc'd on Shore, or stranded, upon the Coast of this Kingdom, or any other of her Majesty's Dominions.*

Witness his Excellency, Sir Nicholas Lawes, Knt. Our Captain-General, and Governor in Chief in and over our said Island, at *St. Jago de la Vega*, the 3d Day of September, in the Ninth Year of our Reign, Annoq<sup>ue</sup> Domini, 1722.

By his Excellency's Command,  
Joseph Maxwell, Secretary. Nicholas Lawes.  
God save the King.

The following Address having been transmitted by Sir Nicholas Lawes, Governor of *Jamaica*, to the Right Honourable the Lord Cartaret, one of his Majesty's Principal Secretaries of State, was by him presented to his Majesty, who was pleas'd to receive it very graciously.

*To the King's most excellent Majesty.  
The humble Address of the Governor and Council of Jamaica.*

*Most gracious Sovereign,*

**W**E your Majesty's most dutiful and loyal Subjects, the Governor and Council of *Jamaica*, having under Consideration the unhappy State and Condition of this your Majesty's Island, do humbly beg Leave to represent to your Majesty, the deplorable Circumstances we are reduc'd to, by a dreadful Storm which happen'd on the 28th of *August* last. The Violence of it is inexpressible. It has thrown down and shatter'd all our Houses to such a Degree, that for some Time we were expos'd to the Extremity of the Weather. It has blown down Part of your Majesty's Fortifications, dismounted the Guns, destroy'd the Carriages, and damag'd most of the Powder in the Magazines, and the Fire-Arms: And the Calamity has been so general, and the Loss sustain'd so great throughout the Island, that the poor Inhabitants are utterly unable to put themselves into a Posture of Defence, without some Aid and Assistance. Therefore we fly to your Majesty, as the Father of our Country, for Succour and Relief in this our Distress; and humbly beseech your Majesty to send us such Aids of Guns, Carriages, Fire-Arms, and Ammunition, and such a Number of Ships of War, as your Majesty in your great Wisdom shall think necessary; and we shall endeavour to repair the Breaches made in the Fortifications with all possible Dispatch.

The tender Regard your Majesty has always shewn to all your Subjects, and the happy Influences we have felt under your Auspicious Reign, makes us presume to apply in this Manner, not doubting of Relief from your Majesty's great Goodness. We humbly beg Leave to repeat to your Majesty, the Assurance of our Zeal and Affection for your Sacred Person and Government; and that we shall always, to the utmost of our Power, endeavour to promote your Majesty's Service and Interest.

Pass'd the Concil,

*Nicholas Lawes.*

*Sept. 13, 1722.*

*Jos. Maxwell, Cl. Concil.*



## G R E A T B R I T A I N.

*The Proceedings of the Parliament continu'd from Page 337 of the preceding Register.*

ON the 26th of October, the Lord Viscount Townshend, one of his Majesty's Principal Secretaries of State, signify'd to the House of Peers, That his Majesty had caus'd the Person of Thomas Duke of Norfolk to be seiz'd, having just Cause to suspect that he was engag'd in the Conspiracy now carrying on; and his Majesty did therefore desire the Consent of the House, to his being committed to the Tower, and detain'd on Suspicion of High Treason, according to the Act lately pass'd, for suspending the Habeas Corpus Act. A Motion being thereupon made, to consent that the said Duke be committed and detain'd accordingly; the same was strenuously oppos'd by the Earls of Aylesford, Cowper, Anglesey, Strafford, Coningsby, and Uxbridge, the Lords Bathurst, Lechmere, and some others; but they were answer'd by the Lords Viscounts Harcourt and Townshend, the Duke of Newcastle, the Lord Cartaret, and some others; and after a very long and warm Debate, the Question being put upon the said Motion, it was carry'd in the Affirmative, by a Majority of sixty Voices against twenty eight. Hereupon nineteen Peers, viz. the Earl of Anglesey, Archbishop of York, Bishop of Chester, the Earls of Scarisdale, Bristol, Uxbridge, Oxford, Strafford and Cowper; and the Lords Trevor, Lechmere, Ashburnham, Guilford, Bathurst, Bingley, Foley, Compton, Osborne, and Hay, sign'd and enter'd a Protest against the said Resolution, for the Reasons following:

*First*, Because we apprehend it to be one of the ancient undoubted Rights and Privileges of this House, that no Member of the House be imprison'd or detain'd during the Sitting of Parliament, on Suspicion of High Treason, until the Cause and Grounds of such Suspicion be communicated to the House, and the Consent of the House thereupon had, to such Imprisonment or Detainer; which ancient Right or Privilege is recogniz'd and declar'd in plain, express, and full Terms in the Act pass'd this Session of Parliament, to which the Message from his Majesty refers.

*Secondly*,

*Secondly*, Because it appears clear to us, not only from former Precedents, even when no such Law was in Being as that abovemention'd, but also from the very necessary Construction of the Proviso therein, concerning the Privileges of Parliament, that the House is entitled to have the Matter of the Suspicion communicated to them in such Manner, as is consistent with the Dignity of the House, and will enable them to deliberate and found a right Judgment thereupon, for or against the Imprisonment, or Detainer of the Person concern'd: But to maintain, that whilst that Law shall be in Force, it shall be sufficient in order to obtain the Consent of the House, to communicate a general Suspicion, that a Member of the House is concern'd in a traiterous Conspiracy, without disclosing any Matter, or Circumstance, to warrant such Suspicion, is, in our Opinions, an unjustifiable Construction of the said Proviso, and such as wholly deprives the House of the Liberty of giving their free and impartial Advice to the Throne on this Occasion; and such a Construction being made upon a Law so plainly intended by the Wisdom of this Parliament, to assert the Privileges of both Houses, appear'd to us, to pervert the plain Words and Meaning of it in such a Manner, as renders it wholly destructive to those very Privileges intended to be preserv'd.

*Thirdly*, Because his Majesty having in Effect requir'd the Judgment and Advice of the House, touching the Imprisonment and Detainer of the Duke of *Norfolk*; we ought not, as we conceive, either in Duty to his Majesty, or in Justice to the Peer concern'd, to found our Opinions concerning the same, on any Grounds, other than such only, as his Majesty had been pleas'd to communicate in his Message: And his Majesty, by his Message, having communicated only a general Suspicion, we think we cannot, without the highest Injustice to the Duke, and the most palpable Violation of one of the most valuable Privileges belonging to every Member of this House, give our Consent to his Imprisonment or Detainer, and thereby make themselves Parties to, and in some Degree, the Authors of such his Imprisonment, until we have a more particular Satisfaction, touching the Matters of which he stands suspected; more especially considering the long and unprecedented Duration of the Act abovemention'd, whereby the Benefit not only of the Act commonly call'd the *Habeas Corpus* Act, but of *Magna Charta* it self, and other valuable Laws of Liberty,

Liberty are taken from the Subjects of this Realm; and extraordinary Powers are given to the Persons therein mention'd, over the Liberties of the People for a Twelvemonth and upwards.

*Fourthly*, Because we think it inconsistent as well with the Honour and Dignity, as with the Justice of this House, in the Case of the meanest Subjects, to come to Resolutions for depriving them of their Liberty, upon other than clear and satisfactory Grounds; but as the Members of both Houses of Parliament, are by the Laws and Constitution of this Kingdom invested with peculiar Rights and Privileges, of which the Privilege before mention'd is a most essential one, as well for the Support of the Crown itself, as for the Good and Safety of the whole Kingdom, we cannot, as we conceive, without betraying those great Trusts which are repos'd in us as Peers of this Realm, agree to a Resolution, which tends to subject every Member of of this House, even sitting the Parliament, to unwarrantable and arbitrary Imprisonments; and we have the greater Reason to be jealous of the Infringement of this Privilege, on this Occasion, because it had been easy, as we think, for those who had the Honour to advise the framing the said Message, to have communicated to this House the Matter of which the Duke of Norfolk stood suspected, in such a Manner as might be consistent with the Privileges of this House, and at the same Time to have avoided any Danger or Inconvenience to the Crown, with Regard to the future Prosecution of the said Duke, (if any such should be)

*Fifthly*, Because it is the known Usage and Law of Parliaments, that this House will not permit any Peer to be sequester'd from Parliament on a general Impeachment of the Commons, even for High Treason, till the Matter of the Charge be specify'd in Articles exhibited to this House, which explain'd to them the Nature of the Privilege intended to be secur'd by the Provision, and is the highest Instance of the Care of this House, to preserve it from being violated on any Pretence whatsoever; but in our Opinions, it must create the greatest Inconsistence and Repugnancy in the Proceedings of the House, to consent that a Peer of the Realm should be imprison'd or detain'd, sitting the Parliament, on a Suspicion of High Treason only, not warranted, for ought appears to us, by any Information given against him

upon Oath, or otherwise, and no particular Circumstance of such Suspicion being communicated to the House.

*Secondly*, Because a Resolution so ill grounded as this appears to us, might produce very ill Effects in the present unhappy Conjunction of Affairs, by creating fresh Jealousies in the Minds of his Majesty's Subjects, who could not fail of entertaining certain Hopes of the Safety of his Majesty's Person and Government, against all his Majesty's Enemies, from the Advice and Assistance of both Houses of Parliament, whilst they continu'd in the full Enjoyment and free Exercise of their ancient and legal Rights and Privileges; but on the other Hand, might be alarm'd with new Fears for the Honour and Safety of his Majesty, and his Government, by a Resolution taken by this House, for the Imprisonment of a Peer of the Realm, in such a Manner as in our Opinion, is highly injurious to his Person, and also to the Privileges of every other Peer of this Realm; and which may prove of fatal Consequence to the Constitution of both Houses of Parliament.

On the 31<sup>st</sup> Day of November, Mr. Farrer reported to the House of Commons the Resolution of the Grand Committee; on Ways and Means to raise the Supply, viz. That two Shillings in the Pound be rais'd in the Year 1723, upon all Lands, Tenements, Pensions, Offices, &c. Which Resolution being agreed to, a Bill was order'd to be brought in thereupon, which Mr. Farrer did accordingly, the next Day, when it was read the first Time. After this, the Commons went into a Committee upon the Supply, and resolv'd, *First*, That 43,314 l. 4 s. be granted to his Majesty, for defraying several extraordinary Expences and Services incur'd, and not provided for by Parliament.

*Secondly*, Twelve Thousand Pounds upon Account for Out-Pensioners of Chelsea Hospital, for the Year 1723. *Thirdly*, Sixty-five thousand four hundred twenty two Pounds sixteen Shillings and nine Pence, to make good the Deficiency of the Grants for the Service of the Year, 1721.

*Fourth*, That the Sum of one Million, which by an Act of the last Session of Parliament is payable by the South-Sea Company, on or before the seventh Day of June, 1723, with an Interest after the Rate of 5 l. per Cent. *per Annum*, may be receiv'd from the said Company in such Proportions at a Time, on or before the said 7<sup>th</sup>

Day

Day of *June*, as the Commissioners of his Majesty's Treasury, or the High Treasurer, for the Time being, shall think to be most fit and convenient for the Service of the Publick; and that upon the Payment of such Proportion and Proportions within the Time before said, that the Interest for so much shall cease.

*Fifthly*, That as any Part of the Sum of one Million payable by the *South-Sea Company*, on or before the 7th Day of *June*, 1723, shall be brought into the Exchequer, such Part or Proportion of the Monies so brought in, shall and may be forthwith apply'd towards paying off, and cancelling the Exchequer Bills, which were made forth by the said Act of the last Session of Parliament.

These Resolutions being the next Day reported, were agreed to by the House, who, afterwards proceeded to the hearing the Matter of the Petition of *William Lowndes Esq;* touching the Election for the City of *Westminster*; and after hearing Counsel, and examining Witnesses, the farther Hearing of the said Election was adjourn'd until *Tuesday*, the 6th of *November*, when, after farther hearing of Counsel on both Sides, a great Debate arose, which lasted from Six till about Nine in the Evening. It was began by *Mr. William Thompson*, seconded by *Sir Wilfred Lawson*, who set forth the unusual Disorders and outrageous Riots that attended this Election; and hinted as if the same were a Branch of the present Conspiracy, and intended to raise a Rebellion in the Metropolis and Heart of this Kingdom. They were answer'd by *Mr. Hungerford*, *Mr. Lutwagh*, and *Mr. Kettleby*, Lawyers, and by *Dr. Friend*, a Physician, who, on the contrary, asserted, That this had been as peaceable an Election, as any had been in *Westminster*, or indeed could be expected in so populous a City. These Gentlemen were reply'd to by the Attorney and Solicitor-General, *Mr. Young*, *Mr. Pakenham*, *Mr. Pulteney*, and *Mr. Robert Walpole*; after which, the Question being put, it was resolv'd by a Majority of 203 Votes, against 159, That it appear'd to this House, that there were outrageous Riots and Tumults at the late Election of Citizens to serve in Parliament for the City of *Westminster*, in Defiance of the Laws of this Realm, and in Violation of the Freedom of Elections; That *Archibald Hutcheson Esq;* and *John Cotton Esq;* were not duly elected to serve in Parliament for the said City; and that the late Election was a void Election.

The same Day, (November 6th) the Commons read a second Time, and committed to a Committee of the whole House, the Land-Tax Bill, and ordered the Thanks of their House to be given to Dr. *Burroughs* for the Sermon by him preach'd before the House the Day before, being the Anniversary for the happy Deliverance from the Gun-Powder Treason.

The next Day, November 7, a Petition of the University of Cambridge was presented to the House of Commons, and read; praying, *That they might be eas'd of the Arrears of the Land-Tax, they having been over-rated for several Years past; and that, with Regard to the ensuing Year, there might be a Provision made in the Land-Tax Bill now depending, that the Sum now to be impos'd therein on the University and Town of Cambridge, might be equally rais'd in both of them, without any Distinction between the University and Town, or in such other Manner as to the House should seem meet:* But a Motion being made, and the Question put, that the said Petition be referr'd to the Grand Committee, to whom the Land-Tax Bill was committed, it pass'd in the Negative by a Majority of 99 Votes against 80; and then the House having resolv'd it self into the said Committee, made some Progress in that Bill.

The next Day, November 8, the Commons order'd their Speaker to issue his Warrant for a new Writ for Electing Citizens to serve in this present Parliament, for the City of Westminster, in the Room of *Archibald Hutcheson*, and *John Cotton*, Esqrs; whose Election for the said City had been declar'd void.

On the 9th of November, another new Writ was order'd for the Electing a Burgess for the Borough of Warwick, in the Room of *William Colemore jun.* Esq; decess'd; after which, the Commons went into a grand Committee on Ways and Means to raise the Supply, and resolv'd, *First*, That the Sum of 18243 *l.* 1 *s.* 2 *d.*  $\frac{1}{2}$ , remaining in the Exchequer, on Arrears of former Land-Taxes, be apply'd towards raising the Supply; *Second*. That the Duties on Malt, Mum, Cyder, and Perry, be farther continu'd from the 23d of June, 1723, to the 24th of June, 1724. These Resolutions being the next Day reported, were agreed to by the House, and a Bill or Bills order'd to be brought in thereupon.

On the 12th of November, a Petition of the Mayor, Bailiffs, and Burgesses, of the Town of Cambridge, was presented

presented to the House and read, praying that no Alteration might be made on the Rates of the Land-Tax on the said Town and University of Cambridge; which Petition was order'd to lie on the Table.

The next Day, *November 13*, the Malt-Bill was brought in, read the first Time, and order'd to be read a second; and then a new Writ was order'd to be issu'd out, for electing a Burgess for the Town of *Pembroke*, in the County of *Pembroke*, in the Room of *Thomas Ferrers, Esq*; deceas'd.

On the 14th, the Commons, in a grand Committee, made some farther Progress in the Land-Tax Bill, and on the 15th, the House proceeded to the hearing of the Matter touching the Election for the City of *Coventry*, and after some Time spent therein, the same was adjourn'd to the 17th.

On the 16th of *November*, the Lord Viscount *Townshend* deliver'd to the House of Peers the following Message; sign'd by his Majesty, *viz.*

GEORGE R.

**H**IS Majesty having been inform'd, That many scandalous Declarations in Print have been by several foreign Posts transmitted into this Kingdom, in order to be dispers'd among his good and faithful Subjects, to poison their Minds, and seduce them from their Allegiance; several of those Declarations have, by his Majesty's Order, even since His Majesty receiv'd from both Houses of Parliament, the last most solemn and acceptable Assurances of their Fidelity, been intercepted; and amongst them an Original in Writing, sign'd, as his Majesty has good Reason to believe, by the Pretender himself. This, together with one of the Printed Copies, his Majesty has order'd to be laid before you, as a Matter not unworthy of your Consideration.

After the Reading of this Message, and of the Declaration therein mention'd, the Earl of *Scarborough* mov'd, that the House would come to some vigorous Resolutions, to shew their just Resentment of the high Indignity offer'd in the said Declaration, to his Majesty, and the whole *British* Nation; and being seconded by the Lord *Harcourt*, a Committee was appointed to draw up the said Resolutions, which were immediately reported and agreed to as follows, *viz.*

Resolv'd by the Lords Spiritual and Temporal, [and Commons] in Parliament assembled, That the Paper this Day communicated by his Majesty, entitled, *Declaration* of

of James the Third, King of England, Scotland, and Ireland, to all his loving Subjects of the Three Nations, and to all foreign Princes and States, to serve as a Foundation for a lasting Peace in Europe, and sign'd James Rex, is a false, insolent, and traitorous Libel, the highest Indignity to his most Sacred Majesty King George, our lawful and undoubted Sovereign, full of Arrogance and Presumption, in supposing the Pretender in a Condition to offer Terms to his Majesty; and injurious to the Honour of the British Nation, in imagining that a free Protestant People, happy under the Government of the best of Princes, can be so infatuated, as, without the utmost Contempt and Indignation, to hear of any Terms from a Popish bigoted Pretender.

Resolv'd by the Lords Spiritual and Temporal, [and Commons] in Parliament assembled, That the Printed Copy of the Pretender's Declaration, mention'd in his Majesty's Message, be burnt by the Hands of the common Hangman, at the Royal Exchange in London, upon Tuesday next, at One of the Clock; and that the Sheriffs of London, do [then attend in their own proper Persons, and] cause the same to be burnt there accordingly.

This done, the Lords sent a Message to desire a Conference with the Commons, which being readily agreed to, the Lord President, one of the Managers for the Lords, acquainted the Managers for the Commons, (who were Mr. Chancellor of the Exchequer, Mr. Edgecombe, Mr. Controller, Mr. Pelham, Mr. Hutcheson, Mr. Yonge, Mr. Bromley, and Colonel Bladen) That the Lords being desirous always to keep a good Correspondence with the Commons, they had thought proper to communicate to them the Message their Lordships had receiv'd from his Majesty, together with the Declaration therein mention'd, as also their Lordships Resolutions upon this extraordinary Occasion, to which they desir'd the Concurrence of the Commons. The Managers for the Commons being return'd to their House, Mr. Pelham reported the Conference, and that it was to communicate to this House a Message sent to the Lords by his Majesty, under his Sign Manual, concerning an original Declaration in Writing, sign'd by the Pretender himself; together with the said Declaration, and a Printed Copy thereof; and that the Lords had come to some Resolutions thereupon, to which their Lordships desir'd the Concurrence of this House. And the said Report, and also



also the said Message from his Majesty to the House of Lords, and the Declaration sign'd by the Pretender, and the Printed Copy thereof, and the Resolutions of the Lords thereupon, were read. Hereupon Mr. Sandys mov'd for agreeing with the Lords in the first Resolution, and being seconded by Colonel Bladen, the same was unanimously agreed to. Then the second Resolution being read a second Time, Mr. Yonge mov'd for an Amendment to it, viz. That the two Sheriffs of London should then attend in their own proper Persons, and cause the said Declaration to be burnt by the Hands of the common Hangman; which Resolution so amended, was agreed to *Nemine contradicente*: On this Occasion, Mr. Yonge in a long Speech, run over the Pretender's Declaration, and expos'd the Insolence, Weakness, and Absurdities of that Libel. Sir William Thompson, Recorder of London, spoke also with great Vehemence on the same Topick, as did also the Honourable Mr. Pelham, Brother to the Duke of Newcastle, who mov'd, That an Address be presented to his Majesty upon that Subject. He was seconded by Mr. Arthur Onslow, who represented the Danger of Popery, and severely animadverted on the Audaciousness of the Pretender, and his Adherents: Hereupon, it was resolv'd *Nemine contradicente*, That an humble Address be presented to his Majesty, expressing their utmost Astonishment and Indignation at the surprizing Insolence of the Pretender, in his late traiterous and presumptuous Declaration; and to assure his Majesty, that his faithful Subjects being fully satisfy'd they have no other Security for their Religious and Civil Rights, but the Preservation of his Person and Government, and the Protestant Succession, are determin'd to support with their Lives and Fortunes, his most just Title to the Crown of these Realms, against the Pretender, and all his open and secret Abettors. And a Committee was appointed to draw up an Address, pursuant to the said Resolution.

The next Day, November 17, Mr. Pelham reported the said Address, which being unanimously agreed to, a Conference was desir'd, and manag'd with the Lords, upon the Subject of the last Conference, in which, the Managers of the Commons having deliver'd to the Lords the several Papers communicated to the Commons by their Lordships, desir'd their Lordships Concurrence both to the Amendment to one of their Resolutions beforemention'd, and to the Address the Commons had agreed upon

to be presented to his Majesty. The Lords having readily concurr'd in both, and sent to know his Majesty's Pleasure when he would be attended with the said Address, his Majesty was pleas'd to appoint that very Afternoon; whereupon, both Houses, with their Speakers, went immediately to the Palace at St. James's, and presented to his Majesty the said Address as follows.

Most gracious Sovereign,

**W**E your Majesty's most dutiful and faithful Subjects, the Lords Spiritual and Temporal, and Commons in Parliament assembled, being deeply affected with the Sense of those many Blessings which we have constantly enjoy'd, and hope long to enjoy, under your Majesty's most just and gracious Government; and being throughly convinc'd that our Religious and Civil Rights, as well as the very Being of the British Name and Constitution, do, under God, entirely depend upon the Preservation of your Majesty's Sacred Person, and of the Protestant Succession, as settled by Law, in your Royal Line, are fill'd with the utmost Astonishment and Indignation at the unexampled Presumption and Arrogance of the Pretender to your Dominions, in daring to offer such an Indignity to your Majesty and the British Nation, as to declare to your Subjects, and to all foreign Princes and States, that he finds himself in a Condition to offer Terms to your Majesty, and even to capitulate with you for the absolute Surrender of the Religion and Liberties of a free Nation.

However great the Insatiation of his Advisers may be, we are sensible nothing could have rais'd his or their Hopes to so extravagant a Degree of Presumption, but repeated Encouragements and Assurances from the Conspirators at Home, founded on the most injurious and gross Misrepresentations of the Inclinations and Affections of your Majesty's Subjects; and a rash Conclusion, that because some, from whom it ought least to have been expected, had broke through the solemn Restraint of reiterated Oaths, in order to raise themselves on the Ruins of their Country, therefore the whole Body of the Nation was ripe for the same fatal Defection, and ready to exchange the mild and legal Government of a most indulgent Prince, for the boundless Rage of an attainted Fugitive, bred up in the Maxims of Tyranny and Superstition.

But we, your Majesty's most dutiful and loyal Subjects, resolve, by a steady and constant Adherence to your Government, to wipe off this Stain and Imputation from the Name of Britains; and to convince the World, that those wicked Designs,  
form'd

form'd against your Majesty's Sacred Person and Government, which the Insolence of this Declaration. proves to be most real, while it affects to treat them as imaginary, are indeed impracticable against a Prince relying on and supported by the Vigour and Duty of a British Parliament, and the Affections of his People.

And we beg Leave in the most solemn Manner, to assure your Majesty, that neither the impotent Menace of foreign Assistance, nor the utmost Efforts of Domestick Traitors shall ever deter us from standing by your Majesty with our Lives and Fortunes, and supporting your Majesty's most just Title to the Crown of these Realms, against the Pretender, and all his open and secret Abettors, both at Home and Abroad.

To this Address his Majesty was pleas'd to return the following most gracious Answer.

My Lords and Gentlemen,

I Give you many thanks for the just Resentment you have expressed against the Indignity offer'd to me and the British Nation.

I shall continue to protect and support my good People in the full Enjoyment of their Religion, Liberties, and Property, against all that shall endeavour to subject them to Tyranny and Superstition.

On the 19th of November, after the Speaker had reported his Majesty's most gracious Answer, the Commons proceeded to the farther hearing of the Merits of the Election for the City of Coventry; and having heard Counsel, and examin'd Witnesses, on both Sides, touching the Tumults and Riots which interrupted that Election, the further hearing of that Affair was again adjourn'd to the next Morning.

Accordingly, on the 20th, the Commons proceeded in it, and after further hearing, resolv'd, That the Right of Election of Citizens for the City of Coventry, is in such Freemen as have serv'd seven Years Apprenticeship to one and the same Trade, in the said City and Suburbs, and do not receive Alms or weekly Charity, such Freemen being duly sworn, and enrolled. That there were notorious and outrageous Riots, Tumults, and Seditions at the late Election of Citizens for the City of Coventry, in Defiance of the Civil Authority, and in Violation of the Freedom of Elections, caus'd by the Agents and Friends of the Petitioners, who were the Authors, Contrivers, and Promoters of the said

D

Riots,

Riots, Tumults, and Seditions. That Sir *Adolphus Oughton*, Kt. and Bart. and *John Neal*, Esq; are not duly elected for the said City. That *Charles Buggs*, *George Newcombe*, Sir *Thomas Gery*, Kt. Mr. *Thomas Kimberly*, Mr. *Thomas Wright*, Mr. *George Aldridge*, Practitioner in Physick, and *Benjamin Holden*, the Persons principally concern'd in the said Riots and Tumults, be taken into the Custody of the Serjeant at Arms attending the House; and that *William Wells*, one of the Principal Contrivers and Promoters of the said Riots, Tumults, and Seditions, and who was also guilty of uttering seditious and scandalous Words against the Government, be committed Prisoner to the Gatehouse.

The next Day, *November 21*, upon the Report made by Mr. *Yonge*, from the Committee appointed to consider of the standing Order made the 18th Day of *February*, 1707, relating to the leaving of Petitions, touching controverted Elections and Returns, with the Clerk of this House, upon every new Parliament, to be by him laid upon the Table, before the Speaker be chosen; it was order'd, that the said Order be discharg'd from being one of the standing Orders of this House. Then the Commons went into a Grand Committee on the Supply, and came to Resolutions; they also made some Progress, in a Committee of the whole House, in the Land-Tax Bill; and then order'd their Speaker to cause a new Writ to be made out for electing Citizens for the City of *Coventry*, in the Room of Sir *Adolphus Oughton*, Bart. and *John Neal*, Esq; whose Election had been declar'd void.

On the 22d of *November*, Mr. *Farrer* reported to the House the two Resolutions on the Supply, which were agreed to, *viz.* 1. That 82000*l.* be granted to his Majesty, upon Account to reduc'd Officers of the Land Forces, and Marines, for the Year 1723. And 2dly, the Sum of 84,252*l.* 4*s.* 6*d.* for making good the Deficiency of the general Fund of 724,849*l.* 6*s.* 10*d.* per Annum, for the Year ended at *Michaelmas*, 1722.

On the 23d, Mr. Speaker was order'd to cause another new Writ to be made out for the electing a Burgess for the Borough of *Newport* in *Cornwall*, in the Room of Sir *William Pole*, Baronet, who being indispos'd, had writ a Letter to the Speaker, desiring to make his Election to serve for the Borough of *Honiton* in *Devonshire*. Then, in a grand Committee, the Commons consider'd on Ways and Means to raise the Supply, and a Motion

was

was made, That towards raising the Supply, and reimbursing to the Publick the great Expences occasion'd by the late Rebellions and Disorders, the Sum of one Hundred Thousand Pounds be rais'd and levy'd upon the real and personal Estates of all Papists, Popish Recusants, or Persons educated in the Popish Religion, or whose Parents are Papists, or who shall profess the Popish Religion, in lieu of all Forfeitures already incurr'd for, or upon an Account of their Recusancy, and in lieu of the Rents and Profits of two Thirds of their register'd Estates, for one Year. This Motion was oppos'd by Sir *Wilfred Lawson*, Mr. *Onslow*, Mr. *Hungerford*, and Dr. *Friend*, who suggested that such an extraordinary Tax would carry the Face of Persecution, which was inconsistent with the Principles and Temper of the Protestant Religion; and Dr. *Friend* added, That some of those that had their Education in foreign Popish Seminaries, prov'd some of the best Friends to the present Government. To this, Mr. *Yonge* answer'd, that he knew very little of foreign Education, but he doubted very much that Loyalty to King *George* was taught by Priests and Jesuits in *Romish* Seminaries. The Lord *Gage*, who was bred a *Roman* Catholick, and has several Relations of that Religion, thought it a Duty incumbent upon him to speak in their Favour, which he did several Times, and among other Things said, that he believ'd most of them to be very loyal Subjects, tho' by their Principles they cannot take the Oath of Supremacy; and therefore his Lordship propos'd that a new Oath of Allegiance might be fram'd for them, *William Thompson*, Esq; spoke on the same Side, and declar'd his Abhorrence of persecuting any Body, on Account of their Opinions in Religion. This was answer'd by Sir *William Thompson*, Recorder of *London*, who stated the true Notion of Persecution, which, in his Opinion, was only when any one is punish'd for his particular Opinion in Religion, and for serving God according to that Opinion, and the Dictates of his Conscience: But he added, that was not the Case here, for the extraordinary Tax now intended to be rais'd upon the Papists, was not a Punishment for their being *Roman* Catholicks, but on Account of Penalties they had at divers Times incurr'd, for being Enemies to the Civil Government, raising Rebellions, and contriving Plots against the State. He was answer'd again by the Lord *Gage*, who was reply'd to by Mr. *Horatio Walpole*, and he by Mr. *Hungerford*. At last Mr. Chancellor of the Ex-

chequer stood up, and represented the great Dangers this Nation had been in, ever since the Reformation, from the constant Endeavours of Popery to subvert our happy Constitution, and the Protestant Religion, by the most cruel, violent, and unjustifiable Methods; that he would not take upon him to charge any particular Person among them with being concern'd in the present horrid Conspiracy: But that 'twas notorious to the whole World, that many of them had been engag'd in the *Frescon* Rebellion, and some were executed for it; and the present Plot was contriv'd at *Rome*, and countenanc'd in Popish Countries; that many of the Papists were not only Well-Wishers to it, but had contributed large Sums of Money towards carrying of it on; and therefore he thought it very reasonable, since they made such ill Use of the Savings of the Incomes of their Estates, that the same should go towards the great Expence they, and the Pretender's Friends, had put the Nation to. Then the Question being put upon the Motion abovemention'd, the same was carried in the Affirmative by 217 Votes, against 168. And this Resolution was order'd to be reported the 26th.

In the mean Time, the Friends and Agents of the *Roman* Catholicks bestirr'd themselves very much in their Favour; so that, on *Monday*, the 26th of *November*, when the said Resolution was reported, and the Question being put, That the House agree with the Committee, the same met with a very vigorous Opposition, not only from my Lord *Gage*, Mr. *Lutwych*, Mr. *Hungerford*, and Mr. *Sloper*, but also from Sir *Joseph Jekyl*, the Master of the Rolls, who among other Things, took Notice, That tho' the Law for taking away two Thirds of the Estates of Popish Recusants, which was made in Queen *Elizabeth's* Reign, was a just Punishment the *Roman* Catholicks drew upon themselves by their frequent Conspiracies against her Life and Government; yet nevertheless, such was the Wisdom and Moderation of that excellent Princess, and of her Ministers, that they never put that severe Law in Execution; and since those great Virtues shine no less brightly in his present Majesty, than in Queen *Elizabeth*, his Royal Predecessor, he wish'd he could say the same of those who have the Honour to serve him. Mr. *West*, and some others spoke likewise against the Resolution, but they were answer'd by Mr. *Lorondes*, Captain *Vernon*, and by Mr. Chancellor of the Exchequer, so that the Question being put thereupon,

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it was carried by 188 Votes, against 172; and a Bill was order'd to be brought in accordingly.

On the same Day (*November 26*) the Commons read a Petition of several Merchants and Traders to *Carolina, Spain, and Portugal*, complaining, that (as the Law now is) they are oblig'd to import Rice of the Growth of *Carolina*, directly to *Great Britain*, which occasions a double Expence, and endangers the spoiling thereof, and praying that a Bill might be brought in for their Relief, which Petition was referr'd to a Committee.

The next Day, Mr. Speaker was order'd to issue out his Warrant for a new Writ for electing a Burgefs for the Borough of *Dunwich* in *Suffolk*, in the Room of *Edward Vernon*, Esq; who had made his Election to serve for the Borough of *Penryn* in *Cornwal*. After this, a Petition of several Merchants of *London*, trading to *Virginia*, and *Maryland*, in Behalf of themselves and others, was presented to the House and read, setting forth, That since the Union with *Scotland*, vast Quantities of Tobacco have been imported thither, from *Virginia* and *Maryland*, great Part whereof has been brought into that Part of *Great Britain* call'd *England*, and there sold at such Prices as give just Ground to believe, that the several Duties payable thereon have not been duly collected; and praying, that some Method may be taken to settle the Tobacco Trade, and that Leave may be given to bring in a Bill for the better Regulation thereof. This Petition was referr'd to the Consideration of a Committee, which was thereupon appointed with Power to send for Persons, Papers, and Records; and several other Petitions, relating to the same Affair, being afterwards presented and read, were also referr'd to that Committee. Then Mr. Gybbon reported from the Committee of Privileges and Elections, the Matter as it appear'd to them, touching the Election for the Borough of *Stafford* in *Staffordshire*, and the Resolutions of the Committee thereupon, which were unanimously agreed to, viz. I. That the Right of Election of Burgeffes to serve in Parliament for the said Borough, is in the Mayor, Aldermen, and Burgeffes Resident within the said Borough. II. That *Thomas Foley*, Esq; and *John Dolphin*, Esq; were duly elected for the said Borough.

On the 28th, a Petition of several Persons concern'd in making and promoting the Sail-Cloth Manufacture in *Great Britain*, praying that the said Manufacture may be farther encourag'd, was read, and referr'd to a Committee.

mittee. It was resolv'd to address his Majesty for all Orders and Instructions given by the Lords Commissioners of his Majesty's Treasury, and all Reports and Papers laid before their Lordships, relating to the Complaints of the *English* Merchants, concerning Tobacco imported into *Scotland*, and carry'd from thence and sold in *England*. And then the Malt-Bill was read a second Time, and committed to a Committee of the whole House.

*November 19*, the Commons appointed a Committee to inspect what Laws are expir'd or near expiring, and to report their Opinion to the House, which of them are fit to be reviv'd or continu'd; and then in a grand Committee some Progress was made in the Land-Tax Bill.

On the last Day of *November*, upon a Motion made by Mr. Treby, Secretary at War, a Bill was order'd to be brought in for punishing Mutiny and Desertion, &c. Then a Petition of the Town and County of *Southampton*, complaining of the infamous Practice of Running of Goods, and praying that a Stop might be put to that pernicious and destructive Trade, was read, and referr'd to a Committee: But a Petition of the Shipwrights (praying, that a Bill be brought in to enable his Majesty's Subjects to import any unfawed freight and Compass foreign Oak Timber, free from Duty in *British* built Ships, and for such short Time as the House shall judge fit) was rejected. After this, a farther Progress was made in a grand Committee, in the Land-Tax Bill.

*December 1*, The Commons did nothing material; but on *Monday*, the 3d of *December*, after they had order'd the Commissioners of the Customs to lay before the House several Papers relating to the Tobacco Trade, from *August* 1720, to *August*, 1722. Mr. Treby presented to the House the Bill for punishing Mutiny and Desertion, &c. which was receiv'd; and then, in a Committee of the whole House, the Land-Tax Bill was gone through.

On the 4th of *December*, Mr. Frecker, from the Treasury, laid before the Commons several Reports and Papers relating to Tobacco imported into *Scotland*, and exported from thence; which were referr'd to the Committee appointed to examine into that Affair. Then a Petition of *William* (late Lord) *Widdrington* was presented to the House, and read, setting forth, That his real and personal Estate, to the value of above one hundred thousand Pounds, being forfeited by his Attainder, had  
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been sold for the Use of the Publick, that for seven Years past he had contracted several Debts for the necessary Subsistence of himself and Family; That one Part of the said Forfeiture consisted of an Estate of above twelve hundred Pounds *per Annum*, which, if the utmost Severity of the Law had past upon him, would have gone immediately to his Children, being their Mother's Inheritance; that the Sum of two thousand four hundred eighty four Pounds and ten Shillings, formerly granted him (for which he return'd his most humble Thanks) had enabled him to discharge some Part of his Debts, and contributed to preserve him and his Family from sinking into the lowest Degree of Misery, to which, nevertheless, he must soon unavoidably be reduc'd, by his Want of Subsistence, and the remaining Burthen of his Debts, unless this House, in Compassion to his Distress, will please to grant him some farther Relief; and praying that his deplorable Circumstances might be taken into Consideration; and out of his large Forfeitures, some Relief might be granted him towards paying the Remainder of his Debts, and for the future Support and Maintenance of him and his unhappy Family. And Mr. Chancellor of the Exchequer acquainted the House, that the Petitioner's Case having been humbly presented to his Majesty, his Majesty had commanded him to acquaint this House, that in Compassion to the Petitioner and his numerous Family, his Majesty gave his Consent to such Relief as this House should think fit to give the Petitioner. Hereupon it was order'd that the said Petition be referr'd to the Committee of the whole House, who were to consider further of the Supply.

*December 5.* The Commons order'd their Speaker to issue his Warrant for a new Writ for electing a Burgess for the Borough of *Welchester* in the County of *Somerset*, in the Room of *William Burroughs*, Esq; who had accepted the Office of Auditor of the Accounts of the several Duties on Leather, now under the Management of the Commissioners of the Excise. Then Mr. *Burrer* reported from the Grand Committee, the Amendments made to the Land-Tax Bill, which, with some other Amendments, were agreed to, and the further Consideration of the said Report, was adjourn'd till *Friday* the 7th, when the said Bill was order'd to be ingross'd.

*December 6.* The Bill for punishing Mutiny and Desertion, &c. was read the first Time; and it was order'd, That

That the proper Officer do lay before the House, an Account of all Annuities at five *per Cent. per Annum*, redeemable by Parliament, and not subscrib'd into the *South-Sea Company*.

This Account was accordingly presented to the House, on the 10th, by Mr. *Chocke*, an Officer of the Exchequer; and then the Commons made further Orders for the proper Officers to lay before them, 1st, An Account of all Annuities for Terms of Years, subscrib'd into the *South-Sea Company*. 2. An Account of all Annuities for Terms of Years, which were not subscrib'd into the *South-Sea Company*; 3. An Account of all such redeemable Annuities at 5 *l. per Cent. per Annum*, or at, 4 *l. per Cent. per Annum*, as have been subscrib'd into the *South-Sea Company*. And 4. An Account of all Annuities at 4 *l. per Cent. per Annum*, redeemable by Parliament, not subscrib'd into the *South-Sea Company*. Then the House went into a grand Committee, to consider farther of the Supply, particularly in Relation to the Lord *Widdrington's* Petition, and resolv'd, first, That out of the Monies arisen, or to arise from the Sale, or Produce of the forfeited Estates, his Majesty be enabled to grant unto *William* (late Lord) *Widdrington*, the Sum of twelve thousand Pounds, for the Payment of his Debts, and for the Maintenance of himself and Family. 2dly, That for the defraying the Charge of his Majesty's Mints, and the Coinage of Gold and Silver Monies, and other incident Charges of the Mint, and thereby to encourage the bringing in of Gold and Silver to be coin'd, a Revenue not exceeding 15000 *l. per Annum* be made up, settled, and secur'd for seven Years, from the 1st Day of *March*, 1722, and till the End of the first Session of Parliament then next ensuing.

*Dec. 11.* These Resolutions were reported and agreed to by the House, and a Bill or Bills order'd to be brought in thereupon. The same Day, the Mutiny Bill was read a second Time, and committed to a Committee of the whole House; after which, a Committee was appointed to enquire into the Project commonly call'd the *Harburg Lottery*, and all other foreign Lotteries now carrying on in the City of *London*, with Power to send for Persons, Papers, and Records.

On the 12th of *December*, Mr. *Chocke* from the Exchequer laid before the Commons several Accounts of Annuities subscrib'd, and not subscrib'd into the *South-Sea Company*; after which, it was resolv'd to address his Majesty,

Majesty, 1st. for an Account of all the publick Debts, due or standing out at *Michaelmas*, 1722, distinguishing those which are provided for, from those which are not provided for by Parliament, with the annual Interest or Sums paid for the same. 2dly. An Account of the neat Produce for the Year ending at *Michaelmas*, 1722, of all the Duties applicable to the Payment of the said Debts, and to the 700,000*l.* per Annum, commonly call'd the Civil List. And 3dly. An Estimate of the Debt of the Navy, to *Christmas* 1722. It was also order'd, That the Commissioners of the Debts due to the Army should lay before the House an Account of the Certificates by them issu'd, since the last Accounts by them deliver'd into Parliament, and a Particular of the Demands yet undetermin'd. Then a Petition of the *South-Sea* Company was, by Sir *John Eyles*, their Sub-Governor, presented to the House; and read, setting forth, That they labour'd under an insupportable Burden, from which they pray'd to be reliev'd by this House; and that they were content to convert Part of their Capital into Annuities, redeemable by Parliament, transferable at, and payable by, the said Company. Hereupon Mr. Chancellor of the Exchequer acquainted the House, That his Majesty had been acquainted with the Substance of the said Petition, and had commanded him to acquaint this House; That his Majesty gave his Consent that this House should proceed to the Consideration of the said Petition, upon Condition that the said Company should convert one Moiety of their Capital into Annuities. Then some Clauses in the Act of Parliament of the Seventh Year of his Majesty's Reign, entitled *An Act for making several Provisions to restore the publick Credit, which suffers by the Frauds and Mismanagement of the late Directors of the South-Sea Company and others*, were read, and a Petition being made, that the Petition abovemention'd be referr'd to the Consideration of the Committee of the whole House, who were to consider of the State of Publick Credit, and of the State of the National Debt, the said Motion was oppos'd by Mr. Sloper, Sergeant Pengelly, Mr. Hutcheson, Mr. Freeman, the Master of the Rolls, and some other Gentlemen; but being answer'd by Sir *John Eyles*, Mr. Methuen, and the Chancellor of the Exchequer, the said Motion was carry'd, without dividing. Then the House went into the said Committee, and a Motion being made for remitting the two Millions due from the *South-*

Sea Company to the Government, and for converting into Annuities one Moiety of their Capital Stock. This was strenuously oppos'd by Mr. *Soper*, Mr. *Mead*, Sir *Joseph Jekyll*, Mr. *Thomas Bradrich*, Sir *Nathaniel Gould*, Mr. *Transeau*, Sir *Wilfred Lawson*, Lord *Tyrconnel*, and some other Members; But being answer'd by Mr. *Hunterford*, Sir *John Hyles*, Mr. *Gore*, Mr. *Yonge*, Mr. *Haratio Walpole*, Mr. *Chancellor of the Exchequer*, and Mr. *William Pulteney*; after a Debate that lasted till Seven of the Clock in the Evening, the Question being put upon the said Motion, was carry'd in the Affirmative by a Majority of 210 Voices, against 147; and then the said Committee adjourn'd to the 14th of December, when they came to several other Resolutions relating to the restoring of Publick Credit, by redeeming Part of the Annuities not subscrib'd into the South-Sea Company.

December 13. A Bill for explaining and amending the the Laws relating to the Settlement and Employment of the Poor, was read the second Time, and committed. And then Mr. *Gibbon* from the Committee of Privileges and Elections, reported the Matter as it appear'd to them, touching the Election for the Borough of *Malmesbury* in *Wiltshire*, and the Resolutions of the Committee thereupon, which were agreed to; viz. 1st. That *Richard Withers* and *Joseph Hancock* were duly qualify'd to vote as Capital Burgesses at the late Election. 2dly. That *Trevor Lord Viscount Hillsborough* of the Kingdom of *Ireland*, and Sir *John Rushout*, Bart. were not duly elected Burgesses to serve in Parliament for the said Borough. 3dly. That *Giles Erskine*, Esq; and *John Fernor*, Esq; were duly elected Burgesses to serve in Parliament for the said Borough.

On the 14th of December, upon the Reading of the several Petitions of the seven Persons committed into Custody, upon Account of the Tumults and Riots at the *County Election*, it was severally order'd, that the said Persons should on the Monday and Tuesday following, be brought to the Bar of the House, in order to their being discharg'd; which was then accordingly order'd, paying their Fees, after they had receiv'd a Reprimand from Mr. Speaker. The same Day (December the 15th) the Land-Tax Bill was read the third Time, pass'd, and sent up to the Lords, for their Concurrence.

On the 17th of December, Mr. *Daniel Pulteney* reported from the Committee, who were appointed to inspect what Laws were expir'd, or near expiring, and to report their Opinion

Opinion to the House, which of them are fit to be revived or continued; that they had considered the Matter so them referred, and had come to several Resolutions, which he read in his Place, and afterwards deliver'd in at the Table, where the same were read; and the Resolutions were agreed unto by the House, and are as follow, viz,

First, That in an Act made in the Fourth and Fifth Years of the Reign of King William and Queen Mary, entitled *An Act for reviving, continuing, and explaining several Laws therein mention'd, which are expired, and near expiring*, there are several good Clauses and Provisions relating to Jurors; which Clauses and Provisions were by the said Act to continue in Force for three Years after the 1st of May, 1699, and to the End of the then next Session of Parliament; which said Clauses and Provisions were by an Act made in the Seventh and Eighth Years of King William the Third, entitled, *An Act for the Ease of Jurors, and better Regulating of Juries*, continu'd for seven Years from the 1st of May, 1698, and from thence, to the End of the next Session of Parliament; which were by an Act made in the First Year of the Reign of Queen Anne, entitled, *An Act for continuing former Acts for exporting Leather; and for Ease of Jurors; and for reviving, and making more effectual an Act relating to Vagrants*, continu'd further for seven Years, and to the End of the next Session of Parliament; which said Clauses and Provisions, as well as other several Clauses and Provisions relating to the Returns and Service of Jurors, made in another Act of the 3d and 4th Years of Queen Anne, entitled, *An Act for making perpetual an Act for the more easie Recovery of small Tythes*; And also *An Act for the more easie obtaining Partition of Lands in Coparcenary, Joint Tenancy, and Tenancy in Common*; And also, *For making more effectual, and amending several Acts relating to the Return of Jurors*, which were only to continue in Force, during the Continuance of the said Act: All which Clauses are by an Act of the Twelfth of Queen Anne, entitled, *An Act for the reviving and continuing several Acts therein mention'd, for the preventing Mischief which may happen by Fires, for building and repairing County Goals; for exempting Apothecaries from serving Parish and Ward Offices; and serving upon Juries, and relating to the repairing of Jurors*, continu'd and put in Force for eleven Years from the Expiration thereof, which being near expiring, are fit to be continu'd.

2dly, That an Act made in the Sixth and Seventh Years of the Reign of King William the Third, entitled, *An Act for exempting Apothecaries from serving the Offices of Constable and Scavenger, and other Parish and Ward Offices, and from serving upon Juries*; which Act was to continue for seven Years, and from thence to the End of the next Session of Parliament; which was by an Act made in the First Year of the Reign of Queen Anne, entitled, *An Act for reviving the Act entitled, An Act for exempting Apothecaries from serving the Offices of Constable, Scavenger, and other Parish and Ward Offices, and from serving upon Juries*, continu'd for the Space of seven Years, and from thence to the End of the next Session of Parliament; which Act was by an Act entitled, *An Act for reviving and continuing several Acts therein mention'd, for preventing Mischiefs which may happen by Fire: For the building and repairing County Goals: For exempting Apothecaries from serving Parish and Ward Offices, and serving upon Juries, and relating to the returning of Jurors*; continu'd for eleven Years, and to the End of the next Session of Parliament, which is near expir'd, ought to be made perpetual.

3dly. That an Act made in the First Year of the Reign of his present Majesty, entitled, *An Act for explaining an Act for the better preventing the Imbezilment of his Majesty's Stores of War, and preventing Cheats, Frauds, and Abuses in paying Seamen's Wages; and for reviving and continuing an Act for the more effectual suppressing of Piracy*; which was to be in Force for five Years, and to the End of the next Session of Parliament, be reviv'd and made perpetual.

4thly. That an Act made in the First Year of his present Majesty's Reign, entitled *An Act for making the Militia of that Part of Great Britain call'd England, more useful; and for obliging an Annual Account to be made of Trephly Money*; which was to continue only for five Years, and to the End of the next Session of Parliament, ought to be reviv'd.

5thly. That so much of the Act made in the Fifth Year of his present Majesty's Reign, entitled, *An Act against clandestine Running of uncustom'd Goods, and for the more effectual preventing of Frauds relating to the Customs, as relates to such foreign Goods, Wares, and Merchandizes as shall be taken in at Sea, out of any Ship or Vessel, in order to be landed or put into any other Ship, Vessel, or Boat; and so much as relates to such foreign Goods, Wares, and Merchandizes, as shall be taken in at*

Sea,

Sea, and out of any Ship or Vessel, in order to be landed, or put into any other Ship, Vessel, or Boat; and so much of the said Act as relates to Goods not reported, and found after clearing Ships; and so much of the said Act as provides further Remedies against re-landing Goods prohibited to be wore in this Kingdom; and foreign Goods shipp'd out for Parts beyond the Seas; and so much of the said Act as relates to the opening or altering the Package of Goods on Board Ships outward bound; and so much of the said Act as relates to Hovering Ships or Vessels, of the Burthen of fifty Tuns or under; and so much of the said Act as concerns the Bales or Package, in which Coffee shall be exported, as was to continue in Force for three Years, from the twenty-fifth Day of March, 1719, and to the End of the next Session of Parliament, being near expiring, ought to be continu'd; and so much of the said Act as relates to Rum import'd in Casks, or Vessels not containing twenty Gallons at the least, which was to continue in Force for three Years, from the twenty-ninth Day of September, 1719, being expir'd, ought to be reviv'd; and so much of the said Act as relates to Certificate Goods, enter'd, in order to be exported for Ireland, which was to continue in Force for three Years, from the First of May, 1719, being expir'd, ought to be reviv'd. And it was order'd, That a Bill or Bills be brought in pursuant to the said Resolutions. Then the House resolv'd it self into a Committee of the whole House upon the Bill for continuing the Duties on Malt.

On the 18th of December, the Commons order'd the Commissioners of the Customs to lay before the House, an Account of the Produce of the Duty upon bound Books, for five Years past; and Mr. Hungerford, from the Committee, appointed to enquire into the Harburgh Lottery, and all other foreign Lotteries, acquainted the House, that they having summon'd a Witness to attend them, he very much prevaricated, and would not give a direct or clear Answer to any Questions ask'd him; and that he was directed by the Committee to move the House, that they might be empower'd to examine Witnesses in the most solemn Manner: It was thereupon order'd, That such Members of the said Committee, who were Justices of Peace for the County of Middlesex, and City of Westminster, should examine in the most solemn Manner, such Persons as they thought fit, at the

said Committee, touching the Subject Matter of the said Enquiry. Then the following Petitioners offer'd to the House, viz.

To the Honourable the Commons of Great Britain, in Parliament assembled,

*The humble Petition of the Persons whose Names are here under subscrib'd, in Behalf of themselves and others, who have Stock allow'd them in the South-Sea Company, in Respect of their several Interests in the redeemable Debts and Funds,*

Sheweth,

**T**HAT your Petitioners finding that the Provisions hitherto made for their Relief, have prov'd ineffectual, think themselves oblig'd in Consideration of the Greatness as well as the Inequality of their Suffering, to become Suitors to this honourable House, for some particular Relief in Behalf of themselves and the many innocent Persons whose Fortunes were involuntarily involv'd in the South-Sea Company.

Your Petitioners are too sensibly affected with their own Losses and Hardships, not to have a tender Regard for the Misfortunes of others; nor do your Petitioners hereby seek any Restitution from the said Company.

But from the late generous Remittance by the Parliament of above five Millions to the South-Sea Company, founded (as your Petitioners humbly conceive) on the Unreasonableness of exacting the Performance of so unfortunate a Contract, your Petitioners have Grounds to hope, that the same indulgent Disposition will extend it self to the Remittance of the remaining Part of the *Premium* reserv'd to the Publick.

And your Petitioners conceiving that the greatest Sufferers have the justest and fairest Pretence to the greatest Relief, do beg Leave to lay before this honourable House the unhappy State of their Case, with Regard to the several Persons whose particular Interests are engag'd in the said Company.

The Old Proprietors of the said Company, notwithstanding they had stipulated to pay above 4,000,000*l.* whether your Petitioners' Debts were subscrib'd or not, for each one 100*l.* original Debt, have (now the Additions are made) 146*l.* 13*s.* 6*d.* Capital Stock; whereas the utmost your Petitioners are allow'd for the like



100*l*. Original Debt, amounts to no more than 48*l*. 17*s*. 9*d*. Stock.

As to the first Subscribers of long Annuities, they have for each 100*l*. *per Annum* in Stock, 102*l*. 13*s*. 4*d*. and in Bonds 57*l*. The second Subscribers of such Annuities have in Stock, 144*l*. 8*s*. 10*d*. whereas your Petitioners have for their 100*l*. *per Annum*, only in Stock 277*l*. 15*s*. 6*d*.

It would be easy to shew the like Inequality between your Petitioners and the several Money Subscribers and the Borrowers; but the same is not insisted on, in Regard they voluntarily engag'd themselves, and have not therefore (your Petitioners humbly conceive) so just a Claim to your Favour, as Government Creditors, to whom former Parliaments have paid the tenderest Regard.

Your Petitioners also crave Leave to observe, that by remitting the two Millions to the said Company in general, the old Proprietors, whose Property (as before is shewn) is so greatly increas'd, and the New Proprietors, who have purchas'd Stock at easy Rates, will equally and promiscuously partake of the Benefit thereof with your suffering Petitioners; and many of your Petitioners, whose Exigencies and Necessities have constrain'd them to part with the little Stock that hath been allow'd them, will receive no Benefit at all.

Your Petitioners also beg Leave to observe, That besides the beforemention'd Remittance already obtain'd by the said Company from Parliament, the said Company hath gain'd between seven and eight Millions from your Petitioners; which Loss, and the Reduction of your Petitioners Interest to 4 *per Cent*. at Midsummer, 1721, will make the Burthen insupportable to infinite Numbers of your Petitioners, unless this honourable House should in tender Regard to your Petitioners particular and very disproportion'd Losses, be induc'd to appropriate the remaining Part of the *Premium* to the sole Benefit of your Petitioners; under which Circumstance, your Petitioners will be far greater Sufferers than any others.

Upon these Considerations, your Petitioners, who have so deeply tasted of the late destructive Scheme, do most humbly hope, that this honourable House will think them the most deserving Objects of Compassion and will be pleas'd to give them the remain-

ing Part of the said *Premium*, or such other Relief as to your great Wisdom shall seem meet; and will be pleas'd to intercede with his most gracious Majesty for that Purpose.

*And your Petitioners shall ever pray, &c.*

But the Question being put, that the said Petition be brought upon the Table, it pass'd in the Negative. Then Mr. *Farrer*, from the Committee of the whole House, who were to consider of the State of the Publick Credit, and of the State of the National Debt, reported the Resolutions the Committee had directed him to report to the House; which he read in his Place; and afterwards deliver'd in at the Table, where they were read, and are as follow, *viz.*

1<sup>st</sup>, That it is the Opinion of this Committee, That towards restoring the Publick Credit, as well as the Credit of the *South-Sea Company* (which hath suffer'd an immense Loss and Damage by the many Frauds, Abuses, and Breaches of Trust, which were committed by the late Sub-Governor, Deputy-Governor, and Directors of the said Company, and others in Confederacy with them, or some of them) so much of the Act of Parliament of the Seventh Year of his Majesty's Reign, as relates to the reducing, sinking, and annihilating the full Sum of two Millions of Pounds Sterling, Part of the Capital Stock then belonging to the said Company; and so much of the same Act as imports, that a proportional Part of the Annuities or yearly Funds of the said Company, payable at the Exchequer in Respect of two Millions, should from, and after the Feast of the Nativity of St. *John Baptist*, 1722, be no longer payable, but should from thenceforth for ever cease and determine, for the Benefit of the Publick, be repeal'd and made void; and that the said two Millions shall again be reviv'd, and added to the Capital Stock of the said Company; and that the said proportional Part or Parts of their Annuities or yearly Funds in Respect of the said two Millions, shall also be reviv'd, and again made payable at the Exchequer, as if the said Act had not been made.

2<sup>dly</sup>, That it is the Opinion of this Committee, that the whole Capital Stock of the *South-Sea Company*, and the Shares of the respective Members and Proprietors of and in the same, be divided and separated into equal Parts or Moieties; and that one of the said Moieties of the said Capital Stock shall be, and remain Capital

Capital Stock of the said Company, and one Moiety of their Annuities or yearly Funds, in Respect thereof, that may be still continu'd in the said Company, with all Profits and Advantages to attend the same, according to the Laws and Statutes now in Force; and that the respective Members and Proprietors, their Executors, Administrators, and Assigns, shall have their proportional Shares in the said Moieties of the said Capital Stock, and Annuities of the said Company, and in all the said Profits and Advantages to attend the same; and that the other Moiety of the said Capital Stock, and of the said Annuities or yearly Funds, be converted into Annuities, payable at any Rate not exceeding five Pounds *per Cent. per Annum*, until *Midsummer-Day, 1727*, and from thence, at any Rate, not exceeding four Pounds *per Cent. per Annum*, until Redemption by Parliament. The same Annuities to be payable out of the other Moiety of the said yearly Fund, which the Company shall receive at the Exchequer, and pay to the respective Annuitants, their Executors, Administrators, and Assigns; and that the whole Capital Stock now belonging to the said Company, and the Annuities attending the same, may be redeem'd by Parliament, according to the former Powers of Redemption contain'd in the Act or Acts of Parliament for that Purpose.

3dly. That it is the Opinion of this Committee, that towards lessening the Publick Debts and Incumbrances, all the Annuities payable after the Rate of five Pounds *per Cent. per Annum*, out of the Duties, Revenues, and yearly Funds, settled, and establish'd by the Act of Parliament which was made and pass'd in the Third Year of his Majesty's Reign (entitled, *An Act for redeeming the Duties and Revenues which were settled to pay off Principal and Interest on the Orders, made forth on four Lottery Acts, pass'd in the Ninth and Tenth Years of her late Majesty's Reign, and for redeeming certain Annuities payable on Orders out of the Hereditary Excise, according to the former Act in that Behalf, and for establishing a general yearly Fund, not only for the future Payment of Annuities at several Rates, to be payable and transferrable at the Bank of England, and redeemable by Parliament, but also to raise Monies for such Proprietors of the said Orders, as shall chuse to be paid their Principal and Arrears of Interest in ready Money, and for making good such other Deficiencies and Payments as in this Act are mention'd, and for taking off the Duties on Linseed imported, and British Linnen exported*)

other than and except such of the said Annuities, so payable after the Rate of five Pounds *per Cent. per Annum*, as have been subscrib'd into the Capital Stock of the South-Sea Company, be redeem'd according to the Proviso and Power of Redemption contain'd in the said Act of the Third Year of his Majesty's Reign, for that Purpose, and that the Monies arisen or to arise at or before Lady-Day, 1723, of or for the Surplusses, Excesses, and overplus Monies, commonly call'd the Sinking Fund, and then remaining in the Exchequer (over and above so much thereof as by any Act of this or any other Session of Parliament is to be apply'd to any other particular Use or Uses) shall be issu'd, apply'd, and dispos'd, so far as the same will extend, towards redeeming the said Annuities after the same Rate of five Pounds *per Cent. per Annum*; and that Exchequer Bills bearing an Interest not exceeding two Pence *per Cent. per Diem* (when they are not in the Exchequer, or in the Publick Receipts) may be issu'd for so much as will compleat the Redemption of the same Annuities, and that so much of the said Duties, Revenues, and Funds, settled, and establish'd by the said Act as will be fav'd to the Publick by Means of such Redemption, be made a Fund for circulating, paying off, and discharging such Exchequer Bills, till they shall be all discharg'd and cancell'd.

4thly. That it is the Opinion of this Committee, that Notice be given or left at the publick Office of the Governor and Company of the Bank of England, on the 25th Day of this present Month of December, pursuant to the Act of the 3d Year of his Majesty's Reign (entitled, *An Act for redeeming the Duties and Revenues which were settled to pay off Principal and Interest of the Orders made forth on four Lottery Acts pass'd in the Ninth and Tenth Years of her late Majesty's Reign; and for redeeming certain Annuities, payable on the Orders out of Hereditary Excise, according to the former Act in that Behalf; and for establishing a general yearly Fund, not only for the future Payment of Annuities at several Rates, to be payable and transferrable at the Bank of England, and redeemable by Parliament, but also to raise Monies for such Proprietors of the said Orders, as shall chuse to be paid their Principal and Arrears of Interest in ready Money; and for making good such other Deficiencies and Payments as in this Act are mention'd, and for taking off the Duties on Linseed imported, and British Linnen exported*) That this House

do

do redeem all such of the Annuities payable by that Act, after the Rate of five Pounds *per Cent. per Annum*, as have not been subscrib'd into the Capital Stock of the *South-Sea Company*.

5thly. That it is the Opinion of this Committee, that pursuant to the Act of Parliament made and pass'd in the First Year of his Majesty's Reign, for raising 910,000 *l.* for Publick Services, by Sale of Annuities, after the Rate of five Pounds *per Cent. per Annum*, redeemable by Parliament, Notice be given that this House will redeem all the Annuities purchas'd on that Act (which have not been subscrib'd into the Capital Stock of the *South-Sea Company*) at the End of one Year.

The first of the said Resolutions being read a second Time, and a Motion being made, and the Question being put, that the said Resolution be re-committed, it pass'd in the Negative; and on the contrary, it was resolv'd, that this House do agree with the Committee in the said Resolution. The rest of the said Resolutions being severally read a second Time, were agreed unto by the House, and order'd that a Bill or Bills be brought in, pursuant to the said Resolutions. It was also order'd,

1st. That Mr. Speaker do on the 25th Day of this present Month of *December*, give Notice in Writing to the Governor and Company of the Bank of *England*, that this House will redeem all such of the Annuities payable by Virtue of the said Act of the Third Year of his Majesty's Reign, after the Rate of five Pounds *per Cent. per Annum*. as have not been subscrib'd into the Capital Stock of the *South-Sea Company*.

2dly. That Mr Speaker do on the said 25th Day of *December*, give Notice in Writing to the said Governor and Company, that this House will at the End of one Year, redeem all such Annuities as were purchas'd after the Rate of five Pounds *per Cent. per Annum*, pursuant to the said Act of the first Year of his Majesty's Reign, and which have not been subscrib'd into the Capital Stock of the *South-Sea Company*.

On the 19th of *December*, a Petition of between three and four hundred insolvent Debtors in the *Marshalsea* Prison, praying that they might be restor'd to their Liberty, was read, and order'd to lie on the Table. Then the House was order'd to be call'd over, upon *Thursday* the 17th of *January* next: And after some Progress had

- been made, in a Grand Committee, in the Mutiny Bill, a Message was brought by the Gentleman-Usher of the Black-Rod, that the King commanded that honourable House to attend his Majesty immediately in the House of Peers. The Commons with their Speaker, attending his Majesty accordingly, his Majesty was pleas'd to give the Royal Assent to

*An Act for granting an Aid to his Majesty by a Land-Tax to be rais'd in Great Britain, for the Service of the Year 1723,*

*An Act to enable Darcy Dawes, Esq; (Son to his Grace the Archbishop of York) and Mrs. Sarah Roundell, to make Settlements upon their Intermarriage, of their several Estates, notwithstanding their respective Minorities.*

And to two Naturalization Bills

Dec. 20. Mr. Freker from the Treasury, presented to the House of Commons several other Papers relating to the Tobacco Trade, which were refer'd to a Committee; and then Mr. Gybbon from the Committee of Privileges and Elections, reported the Matter as it appear'd to them, touching the Election of a Commissioner for the District of Burghs of Kilrenny, Anstruther-Easter, &c. And the Resolutions of the Committee thereupon, which were agreed to, viz. 1st. That *Philip Anstruther, Esq;* was duly elected a Commissioner to serve in Parliament for the said District: 2dly. That the Petition of *David Scott, Esq;* complaining of an undue Election and Return of *Philip Anstruther, Esq;* was groundless, frivolous, and vexatious: And 3dly. That *David Scott, Esq;* should make Satisfaction to *Philip Anstruther, Esq;* for the Costs and Expences he had been put to, by Reason of the said Petition. Then in a Grand Committee, the Commons went through the Mutiny Bill, the Report whereof was order'd to be receiv'd on *Tuesday* the 15th of *January* next.

Dec. 21, Mr. Hungerford acquainted this House, from the Committee appointed to enquire into the *Harburgh*, and other foreign Lotteries, that Mr. *George Ridpath*, and Mr. *Cafe Billingsly*, being summon'd to attend the said Committee, the Committee was inform'd, they were in so ill a State of Health, that they could not attend the Committee; and therefore the Committee had directed him to move the House, that the said Committee, or any five of them, might be empower'd to examine the said

said Mr. *Ridpath* and Mr. *Billingsly*, during the intended Recess: Whereupon it was order'd, That the said Committee, or any five of them, be empower'd to examine the said *Ridpath* and *Billingsly*, at their own Houses, at any Time that the said Committee, or any five of them should think fit. And then the Commons adjourn'd themselves till the 14th Day of *January* next. The House of Peers adjourn'd themselves to the 17th of the same Month.

The Commons being met again on the 14th of *January*, 1722-3, pursuant to their late Adjournment, the Committee appointed to enquire into the *Harburgh*, and other foreign Lotteries, was order'd to sit *de die in diem*. It was also order'd, that Mr. Speaker issue his Warrant for a new Writ for electing a Burgess for the Borough of *Chippenham* in *Wiltshire*, in the Room of *Edward Holt*, Esq; deceas'd. And that the Committee of the whole House upon the Malt Bill, have Power to receive a Clause for raising the Money to be granted by the said Bill, by Way of a Lottery. Then the House resolv'd into the said Committee, and a Clause for that Purpose was accordingly inserted in the Malt Bill.

*January* 15. After the Reading of divers Petitions, which were severally refer'd to the Consideration of several Committees, the Commons order'd, That the Rev. Dr. *Michael Stanhope* be desir'd to preach before their House on the 30th of *January* Instant; after which, upon a Motion made by Sir *John Rushout*, it was resolv'd, *Nemine contradicente*, That a Committee be appointed to examine *Christopher Layer*, in Relation to the Conspiracy mention'd in his Majesty's Speech, at the Opening of this Parliament, to be carrying on against his Person and Government; and order'd That such Members of the House as were of his Majesty's most Honourable Privy Council, be the said Committee, viz. The Right Honourable *Spencer Compton*, Esq; Speaker; *Robert Walpole*, Esq; Chancellor of the Exchequer; Sir *Joseph Jekyll*, Master of the Rolls; *Paul Methuen*, Esq; Controller of his Majesty's Household; *William Pulteney*, Esq; *John Smith*, Esq; one of the Tellers of the Exchequer, *Richard Hambden*, Esq; Lieutenant-General *Wills*, and Sir *Robert Sutton*. After this, upon another Motion made by Mr. *Robert Walpole*, it was also resolv'd, to address his Majesty, for the several Examinations and Papers relating to *Christopher Layer*: And then Mr. *Treby*, Secretary at War, having reported the Amendments made in a grand Committee. to the Bill for punishing Mutiny and Desertion,

Desertion, some of them were agreed to by the House and the Consideration of the rest put off till the 17th.

*January 16.* The Commons order'd their Speaker to issue his Warrant for a new Writ, for electing a Burgeſs for the Borough of *Malmsbury* in *Wiltshire*, in the Room of *John Fermor*, Esq; deceas'd. Then Mr. Chancellor of the Exchequer (pursuant to the Address of the House to his Majesty) presented to the House several original Papers relating to Mr. *Layer*; and having deliver'd them in at the Table, seal'd up, Mr. *Shippen* mov'd, that the Packet be open'd, and the Papers read. He was seconded by Mr. *Winnington Jeffreys*; but Mr. *Pulteney* having represented, That as those Papers were to be a Guide to the Committee appointed to examine Mr. *Layer*, it was improper to make them publick before the said Examination was over; it was thereupon order'd, 1<sup>st</sup>. That the said Papers be referr'd to that Committee. 2<sup>dly</sup>. That the said Committee meet and sit at such Time and Place as they thought fit, 3<sup>dly</sup>. That three be the *Quorum* of the said Committee. It was afterwards order'd, That *George Ridpath* attend the Committee appointed to enquire into the *Harburgh*, and other foreign Lotteries: And then, in a Committee of the whole House, the Commons went through the Malt-Bill.

*January 17.* Mr. *Farrer* reported the Amendments made in the Grand Committee, to the said Malt-Bill, which being agreed to, and another Amendment made, the Bill was order'd to be ingross'd; as was also the Bill for punishing Mutiny and Desertion. The Call of the House was adjourn'd to that Day Seven-night.

*January 18.* A Bill for continuing some Laws, and reviving others, &c. was presented to the House, and read the first Time; and then, upon a Complaint made by Mr. *Hungerford*, from the Committee appointed to enquire into the *Harburgh*, and other foreign Lotteries, it was resolv'd, That Mr. *Cafe Billingsly* having been summon'd to attend the said Committee, and having neglected to obey such Summons, was guilty of a Contempt of the Authority of this House; and order'd that the said *Billingsly* be, for his said Contempt, taken into the Custody of the Serjeant at Arms. After this, in a grand Committee the Commons consider'd of Ways and Means to raise the Supply, and came to a Resolution, the Report of which was put off to the 21<sup>st</sup>. Then the House proceeded to take into Consideration the



the Matter touching the Persons who were order'd to attend that Day, in Relation to several Returns of Members to serve in this Parliament, for several Districts of Burghs in Scotland, and Exceptions being taken to a Letter from Dr. *Pittcairn*, and to a Certificate from Dr. *Russel*, excusing the Absence of *Robert Gordon of Haughs*, on Account of his Indisposition, that Matter was farther adjourn'd to that Day five Weeks: But *Hugh Bailie*, Clerk of *Inverness*, *George Ireland*, common Clerk of *Kinghorn*, and *Robert Hay of Hauton*, Sheriff Depute for the Shire of *Fife*, were declar'd guilty of a Breach of Privilege, for presuming to act as returning Officers, in three respective Elections; and for the said Offence, were order'd into Custody of the Serjeant at Arms; as was also *William Young*, Clerk, for not attending the House upon the 15th Instant. The same Day Mr. Speaker was order'd to issue his Warrant for a new Writ for electing a Burgess for the Borough of *Beverley* in *Yorkshire*, in the Room of *Sir Charles Hotham, Bart.* deceased; and then the House adjourn'd till the 21st of *January*.

On *Saturday*, the 19th, six of the select Committee appointed to examine Mr. *Layer*, (*viz.* Mr. *Robert Walpole*, *Sir Joseph Jekyl*, Mr. *John Smith*, Mr. *William Fulzeney*, General *Wills*, and Mr. *Hampden*) went to the Tower for that Purpose, and spent several Hours in the said Examination: The said Committee had before appointed *Stephen Pointz, Esq;* to be their Secretary.

On the 21st of *January*, the Earl of *Anglesey* made a Speech in the House of Peers, wherein his Lordship took Notice, ' That at the Opening of this Session, his Majesty, in his Speech from the Throne, had been pleas'd to acquaint both Houses with the Discovery of a dangerous Conspiracy, which for some Time had been form'd and was still carrying on against his Majesty's Person and Government; that some of the Conspirators had been taken up and secur'd; and that Endeavours were us'd for the Apprehending others— That one of the principal Plotters having since that Time, been try'd and condemn'd, it was somewhat strange, that no Particulars relating to the said Conspiracy had yet been communicated to that House, the rather, because several of their Members had been apprehended, and were still confin'd, on Suspicion of being concern'd in it: And therefore his Lordship mov'd, ' That the Judges of the King's Bench be order'd to cause the Tryal of

' *Christopher*

' *Christopher Layer*, Esq; to be forthwith printed and published, being first perus'd by the King's Counsel : " This Motion was back'd by the Earls *Cowper*, *Strafford*, and *Aylesford*; the Lords *Trevor*, *Bathurst*, *Lechmere*, and some others, who among other Things, urg'd, ' That ' there had been an extraordinary, and in their Opinion, ' an unnecessary Delay in the Printing and Publishing the said Tryal, it being two Months since Mr. *Layer* ' was try'd, and Direction having been given to *Samuel* ' *Buckley*, for the speedy publishing of his Tryal, so ' long since, as the 27th of *November* last, as appear'd ' by an Advertisement printed by Authority in the *Gazette*. That no Step having been taken for obtaining ' the Justice due by the Laws of the Land to any of the ' other Conspirators, the Publication of the said Tryal ' ought in their Opinion, to have been quicken'd, where- ' by the Nation would have receiv'd such Satisfaction ' concerning the said execrable Conspiracy, as could be ' collected from the said Proceeding; and that House ' have been enabled to make such Use of it, as should ' appear necessary in their Wisdom, for the Honour, Interest, and Safety of his Majesty and his Kingdoms." To this it was answer'd by the Lord *Cartaret*, one of his Majesty's principal Secretaries of State, ' That the ' Order mov'd for, was altogether unnecessary, Directions having long before been given by the Judges of the ' Court of King's-Bench, for the printing and publishing of the said Tryal, with all convenient Speed: That ' the said Tryal being of a very large Extent, and several Parts of it that were taken down in short Hand, ' requiring a great deal Time to be put in Order, and ' revised and rectify'd by the Judges, and the Counsel ' on both Sides, had occasion'd the Delay complain'd ' of; but that the Printing of the said Tryal being now ' in great Forwardness, the same would be publish'd in ' a few Days." His Lordship was supported by the Dukes of *Argyle* and *Newcastle*, and several other Peers; and a Question being stated upon the Earl of *Anglesey*'s Motion, after some farther Debate, the previous Question was put, Whether the said Question should be now put? The same being carry'd in the Negative, by 53 Voices against 32; sixteen Lords enter'd their Protests, containing in Substance, the Reasons abovemention'd, to which their Lordships added, ' That they were apprehensive that the Delay in publishing the said Tryal, ' might have contributed to have created jealousies concerning

cerning the said Conspiracy, and might have encourag'd ill-affected Persons to foment the same, to the great Prejudice of his Majesty's Government; and as in their Opinion, the speedy Publishing of the said Tryal, if the same had been done, might have conduc'd to the preventing of those Mischiefs. They also conceiv'd that the further Growth of them might have been check'd, if the main Question had been put, and carry'd in the Affirmative. That they thought it of great Consequence to his Majesty's Service, that the Publication of the said Tryal should have been made under the strictest Security against all Partiality, or other Abuse relating thereto: And therefore, they thought the main Question ought to be put, whereby the Care and Inspection thereof would have been lodged by the Authority of that House, in the Hands of the Judges, to whom it properly belongs, and its falling into any other Hands, not so proper, or not so immediately responsible to that House, would have been prevented." After the Question abovemention'd was over, the Lord Bathurst made another Motion, viz. That the Judges of the King's-Bench should attend in their Places, on the 24th, and that the King's Counsel who were concern'd in the Tryal of *Christopher Layer*, and also the Counsel for the said *Layer*, at the said Tryal; and Mr. *Samuel Buckley*, and the Person or Persons who took the said Tryal in Short-hand, should attend at the Bar of this House, at the same Time." This Motion was supported by the Lord *Lechmere*, the Earls of *Strafford*, *Coningsby*, *Bristol*, *Cowper*, and some others; but was oppos'd by the Lords *Cartaret*, and *Onslow*, and the Duke of *Newcastle*, and some other Court-Lords; so that the Question being put thereupon, it was carry'd in the Negative, by 48 Voices against 29. Hereupon sixteen Peers enter'd their Dissent, *First*. Because they thought it necessary for the Honour of that House, that the Occasion of the Delay should be enquir'd into. *Secondly*. They thought it the Right of that House to enquire into all Neglects and Abuses that concern the Publick: And tho' it was objected in the Debate, that such Enquiry might carry some Imputation on the Judges, or other Persons concern'd, yet their Lordships thought, that that Objection might be equally assign'd against all Inquiries; but was inconsistent with the Honour and Dignity of this House, and the Publick Service.

This Debate hasten'd the Printing of Mr. *Layer's* Tryal, which was publish'd on *Tuesday*, the 29th of *January*, with this Title, *The whole Proceedings upon the Arraignment, Tryal, Conviction, and Attainder of Christopher Layer, Esq; for High Treason, in compassing and imagining the Death of the King. In the Court of Kings-Bench, Westminster, in Michaelmas Term, in the Year 1722. Perus'd by the Right Honourable the Lord Chief Justice, and the rest of the Judges of the said Court, and by the Counsel for his Majesty, and for the Prisoner.* This Tryal containing 39 Sheets in Print, or 156 Pages, in *Folio*, it cannot be expected that we who are confin'd to so narrow Bounds, should give our Readers an exact Abstract of the whole Proceeding, and therefore we shall content our selves, with preserving in this *Register*, such remarkable Passages as may be most useful to future Writers, towards illustrating the History of these Times.

*The Tryal of Christopher Layer, Esq;*

On *Wednesday*, the 31st. of *October*, 1722, when Mr. *Layer* was brought to the Court of Kings-Bench, and there arraign'd, after the Reading of his Indictment for High Treason, he desir'd the Lord Chief Justice to indulge him, and then complain'd, That he was brought there in Chains and Fetters; that he had been us'd more like an *Algerine* Captive, than a freeborn *Englishman*; that he had been dragg'd through the Streets by the Hands of Gaolers, and had been made a Shew and a Spectacle of. I am now, added he, in a Court of Justice before your Lordship, and I hope the Time will come, when I shall have a candid and fair Tryal, and not be made a Sacrifice to the Rage and Fury of any Party, or the Necessity of the Times. My Lord, I had not said this, but I have been insulted since I came into the Hall: A Gentleman came and told me, *Either you must die, or the Plot must die.* My Lord, this is Usage insufferable in a Christian Nation; and I think I can lay my Hand on my Heart, and say, I have done nothing against my Conscience. Hereupon Mr. Serjeant *Pengelly* suggested, That if Mr. *Layer* had any Objections to the Indictment, he might make them, but should not go on in that Manner: In Answer to which, the Prisoner addressing himself again to the Court, said, He hop'd he should have his Chains taken off, that he might have the free Use of that Reason and Understanding which God had given him. That his Chains had given him the Strangury to that Degree, that it was very painful; and when they were taken off, he hop'd he should have a fair and a tender

tender Tryal. Here my Lord Chief Justice interpos'd, and told the Prisoner, that many things had by him been said, which the Court could not examine into; that he had given a general Charge of some Persons using him ill; but that his Expressions were not just and right; and as he charg'd no particular Person, they could take no Notice of them. That as to the Chains he complain'd of, it must be left to those to whom the Custody of him was committed by Law, to make that Security, that he might not make his Escape: But when he came to his Tryal, his Chains might be taken off; that if he had any Objections to the Indictment the Court would hear them, if not, he must plead. Hereupon, Mr. Attorney-General said, he was sure nothing was intended, but that he should have a fair Tryal; but that to complain in that Place of hard Usage, of Chains and Imprisonment, carry'd with it a Reflection of Cruelty, and they knew what Effect these Things might have abroad. My Lord, added he, I don't believe there is any Occasion for saying any Thing more in Answer to this, than that the Prisoner hath been kept, as every Body in his Circumstances are, when they have been attempting to make an Escape: There was an Attempt of that Nature made by him, and I believe no Body will say, but on such an Occasion, there is Reason to take particular Care that he may not escape. My Lord, as to any other Matters of Hardship, I hope what he says is not so; I verily believe it is not, but that he hath as much Freedom and Liberty as is proper, and usual. And as to what is said in Respect to the Man that insulted him in the Hall, I know nothing of it, nor hear'd of it before; but can't but observe, that it is an easy Matter for People to contrive such a Thing in Concert together, with some particular Views, and I don't know, but if the Fact was so, it might be some Body sent by himself that did it. If there hath been an Attempt to escape, said the Lord Chief Justice, there can be no Pretension to complain of Hardship: He that hath attempted an Escape once, ought to be secur'd in such Manner, as to prevent his escaping a second Time. The Gentleman-Gaoler, what doth he say? The Gentleman-Gaoler averring, that the Prisoner never attempted to escape since he was in his Custody: Mr. Attorney-General answer'd, he did it before. After which, the Solicitor-General spoke to this Effect, viz. My Lord, this Complaint is made with no other Purpose, but to cap-

tivate the Minds of the By-standers, without any just Grounds in the World; for if the whole of the Complaint made and aggravated in this solemn Manner be consider'd, it amounts only to this, that a Prisoner who stands charg'd with so great an Offence as High Treason, (who I admit, notwithstanding the Weight of that Charge, ought to have all the Justice, and all the Opportunity of defending himself, which the Law allows) I say, it amounts to no more than this, that a Prisoner in these Circumstances is brought up hither under a strong Guard, and in Fetters, as Persons in his Condition usually are. It is well known that when this Gentleman was in the Custody of a Messenger, he not only made an Attempt to escape, but actually escap'd, got out of a Window two Pair of Stairs high, and from thence, over the Water, into *Southwark*; and since that is so, Can there be any Colour to say, that what was done afterwards was unwarrantable? I cannot help saying on this Occasion, that it does not become the Candour a Person in the Prisoner's Circumstances ought to shew, to aggravate and make such a Misrepresentation of the Usage he has receiv'd: As to what has happen'd in the Hall, we know nothing of it, nor can possibly tell how true it is: If any such Thing was said, it is not impossible to have been by some Body that was set there by the Friends of this Gentleman. I say thus much, my Lord, not because I think it material to the Business of this Day, but because I would not have it gone away with, that there has been any Hardship put upon the Prisoner, contrary to Law. No, His Majesty who makes the Laws of the Land the Rule and Measure of all his Actions, tho' he will have Justice done to himself and his Government, against any Person that shall conspire to overthrow it, yet he will suffer no Hardships to be done even to such Persons, contrary to Law; and nothing has been done in this Case, but what was legal, and absolutely necessary.

Hereupon, Mr. *Hungerford* begging to be indulg'd a few Words, said, That he is in Chains now is demonstrable; and he hath told me, when in the Tower with him, that they are so grievous to him, that he cannot sleep but in one Posture, *viz.* upon his Back, and that he hath not attempted to escape out of the Tower, is given in Evidence by the Gentleman-Gaoler, who hath, and will, I verily believe, execute his Authority with all Humanity, for he now helps to hold up his Chains, otherwise

otherwise the Prisoner could not stand. My Lord, it is said, it is nothing but what is usual in Cases of this Nature: My Lord, I believe I might challenge them to give an Instance where any Prisoner was shackl'd with Irons in the Tower, before Mr. *Layer*: His Majesty's Prisoners in the Tower are such Strangers to this Usage, that they had not the very Materials there; they were sent for from *Newgate*, and I hope they will be carry'd back again thither. Your Lordship hath hinted it as an Indulgence intended to him, when he comes to his Tryal, that his Irons shall be taken off: but I humbly insist upon it, that by Law, he ought not to be call'd upon, even to plead, till his Fetters are off: My Lord *Coke* is clearly of that Opinion, in his *Pleas of the Crown*; and it is admitted on all Hands, that when he comes to be try'd, his Shackles must be off; and upon a Debate, it was so determin'd in *Cranburn's* Case. The only Reason assign'd for putting of Irons at all upon a Prisoner, is to keep him in safe Custody (for the Laws of *England* allow of no Tortures) and the Reason why they are taken off in the Course of Proceeding against him in a Court of Justice, seems to be, that his Mind should not be disturb'd by any Uneasiness his Body or Limbs should be under. And as to the Distinction that his Chains should be on when he pleads, because but for a Moment, or a short Time, and off when he is try'd, because that will be of a longer Duration; it is possible that what we have now to say, may be as long as some Tryals. I should (with Submission) think, that something of the Dignity of the Court might be consider'd in this Matter; for a Court of Justice, the highest in the Kingdom for Criminal Matters, where the King himself is suppos'd to be personally present, to have a Man plead before them in Chains, seems to be very unsuitable. He is now before the same awful and just Tribunal which he will be before, when he is try'd, and why not therefore without Chains as well now as then? And as to the safe Custody intended by the Irons, is the man like to run away here? Is he not here too well guarded to escape? To this Mr. *Ketelbey* subjoin'd, on the same Side: My Lord, what hath been his Usage in bringing him up hither, I cannot tell; what the Usage of the Tower is, with respect to the putting Chains upon Prisoners, I am ignorant of; but this I must beg Leave to say, that he is entitled to have his Chains off, before he pleads,

pleads, in Point of Law: The Authorities for it are my Lord Coke, in his 3d *Instit.* Fol. 34; who says, that *When Prisoners come in Judgment to answer, they shall be out of Irons, and all Manner of Bonds, that their Pain may not take away their Reason, nor constrain them to answer, but at their free Will*; and in Fol. 35. he cites the Words out of the *Mirroure*, Chap. 5. Sect. 1. *It is an Abuse that Prisoners be charg'd with Irons, or put to any Pain, before they be attained.* At the Tryal of Cranburn, when he was brought up before my Lord Chief Justice Holt, he insisted that his Chains should be taken off before he pleaded, and it was order'd: This was likewise mention'd in the Tryals of *Dorrel*, *Gordon*, and *Kerr*; when they came up in their Irons to plead; it was mov'd at first, that those Irons ought to be taken off; the Court declar'd, that if the Prisoners insisted on it, it ought to be done: But they did not insist on it, they rather chose to waive that Privilege, than undergo the Trouble of having them knockt off in Court. There is a Resolution in this Case, in the 10th Fol. of *Kelynge*, it is expressly declar'd on a Consultation of all the Judges in England, that a Prisoner ought to have his Irons taken off before he pleads. Hereupon the Lord Chief Justice made the following Determination: The Case of *Cranburn*, said his Lordship, you may find that Authority is, when the Party was call'd upon to plead, and was try'd at the same Time: No Doubt, when he comes upon his Tryal, the Authority is, that he is not to be in *vinculis* during his Tryal; but should be so far free, that he should have the Use of his Reason, and all Advantages to clear his Innocence: Here he is only call'd upon to plead, and to plead by the Advice of his Counsel; he is not to be try'd now; when he comes to be try'd, if he makes that Complaint, the Court will take Care he shall be in a Condition proper to make his Defence; but when he is only call'd upon to plead, and his Counsel by him to advise him what to plead, Why are his Chains to be taken off this Minute, and to be put on again the next? It hath been said (I cannot understand the Meaning of it) he is too well guarded: I don't think a Man charg'd with High Treason of this Nature, can be said justly to be too well guarded, especially, if it be true what had been suggested, that he hath endeavour'd to make his Escape; that will justify more than what the Law allows in other Cases.

Ms.



Mr. *Hungerford* having begg'd Leave to explain himself, said, that by the Prisoner's being too well guarded, he only meant sufficiently guarded: But having again humbly mov'd, that Mr. *Layer*, the better to prepare himself for his Tryal, might continue without his Chains till that Time, he was told the same could not be granted, because if he should make his Escape, the Court might be charg'd with it. After this, the two Counsel for the Prisoner made several Objections to the Commission of *Oyer and Terminer*, and to the Indistment; particularly that Mr. *Layer* was misnam'd in *Latin*, *Christophorus*, instead of *Christophorus*; which (after the rest had been answer'd by the King's Counsel, and fully canvass'd and over-ru'd by the Judges) was put in a Plea in Abatement, and receiv'd by the Court. Hereupon, Mr. Serjeant *Pengelly*, one of the King's Counsel, desir'd Time to draw up a Replication, which was granted till Saturday, the 3d of November.

The Prisoner being on that Day, brought to the King's-Bench Bar, Mr. Attorney-General said, He had demurr'd to the Prisoner's Plea in Abatement, and pray'd the Demurrer might be read, which was done accordingly; and then the Attorney-General pray'd, that the Prisoner's Counsel might join in Demurrer immediately. Mr. *Hungerford* having represented, that it was impossible for them to take the Substance of this Demurrer, and desiring to be allow'd a few Days to consider of this Matter; he was told, that the Course of the Court in Capital Matters, did not admit of it: After a great many Arguments *pro* and *con*, about that Matter, all the Judges having declar'd their Opinion, that the Prisoner's Counsel ought to join in Demurrer immediately; Mr. *Layer* addressing himself to the Lord Chief Justice, said, he knew not how consistent this Rule of Court might be, that in a Capital Case of the highest Nature whatsoever, he should not be allow'd Time to join in Demurrer, when in criminal Cases of an inferior Nature, there is a Four-Days Rule given. That the Counsel for the King were indulg'd from *Wednesday* to *Saturday*; and therefore he hop'd he should have the same Indulgence on his Part, to consider whether he should join in Demurrer or not? That he was so far from desiring to give any Delay, tho' he was satisfy'd how maliciously this Prosecution was carry'd on, and was pretty well acquainted with every Step taken in the Management in *Essex*; but that he was willing, rather than to continue to be thus hunted up and down the World,

World, to retract his Plea, and plead generally *Not guilty*.

Mr. Attorney-General said thereupon, that if he understood the Prisoner right, he pretended to be desirous that the Tryal might come on, and therefore he was willing to withdraw his Plea in Abatement, and abide by his Plea of not guilty: That 'twas what they (the King's Counsel) desir'd likewise; and he wish'd they could go on this Case as they ought, in a decent Manner, without having groundless Reflections continually made: That something had been said of the Malicioufness of the Prosecution, and indirect Management by some Body in the County of *Essex*; but that he defy'd any Man to shew any single Step taken in carrying on this Cause, but what was perfectly right and justifiable. That he wish'd out of Charity, that the Prisoner would consider the Circumstances he was in; and if he did, he would not say this Prosecution was carry'd on by Malice; for if he (the Attorney-General) knew any Thing of the Evidence, he had no Reason to doubt, but at the proper Time there would enough appear against him to convict him. To this, Mr. *Hungerford* answer'd, he durst say the Prisoner did not entertain any Thought of reflecting upon any of the Profession, concern'd in carrying on this Prosecution: But he begg'd Leave to represent, that the Man's Case was hard, being in Chains, and in great Pain, and therefore he earnestly wish'd, that he were eas'd in that Matter: That he did not pronounce these Words out of any Affectation of Popularity, or to captivate the Auditory, as was insinuated in the Beginning of this Proceeding, but in mere Compassion he had to the Prisoner, and to all Mankind; which Temper he had shewn through all the Stages of his Life. The Lord Chief Justice reply'd, they had already been told by the Court, that it was not in their Power to take off his Chains; and the properest Measures he could take to knock them off, was to make his Innocence appear.

Mr. *Laver* said thereupon, that if he thought it was contrary to the Law to take off his Chains, he should not mention it. That he desir'd to observe, that these Chains were not put on till after a fourth or fifth Examination. That as to the Escape out of the Messenger's Hands, he (the Messenger) never shew'd him his Warrant, and he did not know any Authority he had to keep him. That as to his escaping out of the Tower, it was not in his Power,

Power, neither was it in his Inclination: and therefore he desir'd to be eas'd of those Chains: And that another Thing he desir'd, was, that he might have an Opportunity to see his Relations, and in particular, that his Wife might come to him, and that his Sister might attend his Wife. After some arguing upon that Matter, the Court was willing to allow the Prisoner's Wife to come to him, provided she submitted to be search'd. And then the Lord Chief Justice appointed the Day of his Tryal to be on the 21<sup>st</sup> of November. Hereupon, Mr. L<sup>ayer</sup> desir'd a few Days longer, at least till the 26<sup>th</sup>, to prepare for his Defence; alledging, that he had a great Number of Witnesses, twenty or more, most of them People of the first Quality. That he hop'd he should have the common Processes of the Court to bring them there, particularly the Lord North and Grey, and the Lord Orrery; and that he had a Witness that was to come from *Edinburgh*, and he could hardly have him here by the 21<sup>st</sup>, for which Reason he desir'd a longer Day. He was told by the Lord Chief Justice, the Court could not do it without making an Error in the Proceedings; that he had a great Deal of Time already, Time sufficient to bring his Witness from *Edinburgh*, or any other Place; and that to put off his Tryal to the last Day of the Term, was to do a manifest Wrong to the good People of *England*. Mr. L<sup>ayer</sup> insisting that his Sister might come to see him with his Wife, it not being so proper for a single Woman to come through the Courts and the Guards, to be examin'd by herself: The Lord Chief Justice told him, he should have a Rule from the Court for his Wife; as for his Sister, they must leave that to the Discretion from another Place: That they must not be too forward in granting Women to have Access to Prisoners; for they remember'd an Escape occasion'd by a Woman coming to the Tower.

On Wednesday the 21<sup>st</sup> of November, the Day appointed for Mr. L<sup>ayer</sup>'s Tryal, he was brought up to the Bar, in Custody of the Lieutenant of the Tower; and upon a Motion made by Mr. *Hungerford*, the Lord Chief Justice order'd his Irons to be taken off. Then Mr. *Hungerford* suggested, that the poor Man had been so oppress'd by these Chains, that he was not able to prepare his Brief: that he had it not till late the Night before, and that it was ten Sheets of Paper. The Attorney-General ask'd whose Fault it was? Adding, they had Time enough. — Mr. *Hungerford* answer'd, it was the Fault of the Irons, and

that the Brief was not brought to him till Eleven of the Clock the Night before: Upon this, the Lord Chief Justice saying, it was an Omission, and that the Chains should have been taken off before he came to the Bar: The Attorney-General reply'd, that there was Direction given before; but he could not tell how they came not to be taken off.

The Prisoner and his Counsel having desir'd and insisted, that the whole Panel might be once call'd over, before the Jury-Men came to be sworn, the same, after some Opposition, was comply'd with; and then the Jury-Men being call'd singly, in order to be sworn, three were set aside, as not being Freeholders, and one by Reason of Infirmary; the Prisoner challeng'd 35 peremptorily, and two for Cause; the King's Counsel challeng'd nine, and then the twelve Jurors that were sworn, were counted, and their Names were as follow, *viz.*

Thomas Clark, Gent.	}	William Nicholson, Esq;
Isaac Potter, Gent.		Christopher Hill, Gent.
Hezekiah Haynes, Gent.		Robert Barnard, Gent.
John Loyry, Gent.		Thomas Waters, Gent.
Thomas Prat, Gent.		Richard Gray, Gent.
Francis Aylett, Gent.		William Wheatly, Gent.

The Clerk of the Crown having as usual, read over the Indictment, Mr. *Wearg*, and Mr. Serjeant *Pengelly*, two of the Counsel learned for the King, open'd the same in long Speeches, wherein they aggravated the Prisoner's Crime, and set it forth in all its heinous and odious Circumstances. Mr. Serjeant *Pengelly* in particular, said, that the Indictment contain'd a Charge of High Treason against the Prisoner, for compassing and intending the Deposing the King, and also his Death and Destruction. That the particular Facts laid to prove this traiterous Intent, were five, *viz.* 1st. That the Prisoner with other Traitors, did consult, conspire, and agree to raise a general Insurrection and Rebellion in this Nation, against his Majesty. 2dly, That he did publish a seditious and treasonable Declaration, containing Incitements, and Promises of Rewards, whereby to stir up his Majesty's Subjects to take up Arms, and to levy War against his Majesty within this Realm. 3dly, That he conspir'd and agreed with other Traitors, by an armed Force, to exalt, and bring the Pretender to his Majesty's Crown, to the Throne of these Kingdoms. 4thly, That

That he had provided, levy'd, and retain'd several Persons, to take up Arms, and to levy War, for the executing these traitorous Purposes. And 5thly, That the last Overt-Act to finish this Conspiracy, was to seize upon, and to imprison the sacred Person of his Majesty: An Attempt of which Nature, if it had succeeded, would have been the Subversion of the present happy Establishment, and the Protestant Succession, so often confirm'd by the Consent of the whole Nation, and the only Security of our Religion, and Civil Rights and Liberties; which would all have been expos'd to the Arbitrary Power of a Popish Faction, under the Tyranny of the Pretender: He added, that they (the King's Counsel) had been so fortunate as to discover, and should produce before the Jury, the very Plan itself, upon which these Conspirators proceeded, and which was to be put in Execution; that they should produce this Plan under the Prisoner's own Hand-writing, and shew his Acting correspondent to that Plan, which would have been a total Overturning of the Government and Constitution.

Now because this Scheme is the most material Piece in this Tryal, we shall insert it here at length, as follows.

### The SCHEME.

*Au défaut de la Force, il faut employer la Ruse.*

1. **L**ET the General, and only one Officer of Note in the Camp, agree upon a Day for Execution.
2. Let the Officer that Day put himself on the Tower-Guard
3. And as there are eight Serjeants (*viz.*) three of the first Regiment of Foot-Guards, three of the second, and two of the third, all ready at an Hour's Warning to obey Orders, early that Morne, let the Officer see a single Person, namely, *George Wilson*, who manages these Serjeants; and give him Directions to bring them all to some convenient Place, at four that Afternoon.
4. Then the Officer must give each Serjeant Money sufficient for the Purpose; and direct 'em, that each Serjeant order twenty-five Men (making together 200, which they have ready) to go singly out of the Camp, and meet together at Church-Yard, exactly half an Hour past Eight in the Evening, when and where another Officer that they know, must meet 'em, and take

the Command, give them Muskets ready loaded, and march with them in a Body to the Tower-Gate, at 9 that Night exactly.

5. Our Friend, the Officer within, must precisely at that Hour of 9, be on the Guard at the Tower-Gate, and seeing this Body of Men appear, order the Garrison to let them in, as a Recruit sent to the Tower-Guard.

6. As soon as ever they have enter'd, to seize the Arms at the Tower-Gate, shut the Gate up, and secure every one in the Tower, that the Officer on Guard gives them Orders to secure, but not to shed any Blood.

7. The Tower being thus seiz'd, to leave only a small Guard there, under that Officer who lets them in, and then with all those that join you, march directly to the Exchange, where the great Doors must be ready open'd, and the General there in Person.

8. At the exact Hour of 9, that the Tower shall be thus seiz'd, the Persons of some great Men to be arrested at their Houses, brought directly into the City, and deliver'd to the General.

9. That upon our Meeting at the Exchange, the annex'd Proclamation to be spread about; the Gates of the City to be shut up, and Pieces of Cannon brought down against them, but every Man that desires to enter the Gates, before any regular Force appear, to be admitted to come in: And after the General has appointed a Guard at each Gate, and Inlets of the City, with proper Officers to command there; let him march back to *Tower-Hill*, for a Place of general Rendezvous under the Cannon of the Tower, and order the Lord-Mayor a good Guard to watch over the Bank, but first take Money from thence to the Tower, in order to pay the Men.

10. That on the Morne of this same Day, our General to have an Interview with some other principal Officer of the Camp, and order him to engage all Friends to attend at their respective Posts, and expect a \* Token to be sent to each of them that very Night; on Receipt of which Token they are to draw their Men out, and march directly to the Artillery in the Camp, as a Place of general Rendezvous; and that the Captain of the

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\* It may be a Note in Writing thus, Sir, I'll meet you at 9 to Night; don't fail me. J. S.

the Artillery may not be alarm'd, let this principal Officer previously send a Message to him, that Orders are ~~give~~ from the General (*Cadogan*) to double the Guard of the Artillery, on a Rumour that is spread of the Mob being up in the City.

11. The Party being come to the Artillery with the said principal Officer at the Head of them, let them immediately draw the Guns round 'em, and stand upon their Defence, without making any Declaration, until the said principal Officer, who commands in Chief there, receives certain † Intelligence from our General, that the Tower is seiz'd upon, and the City all in Arms; and then under a Pretence of securing the King's Person from the Insults of the Mob, let this Officer make a Detachment to take him into Custody, and send him into the City to the General at the Tower.

12. To facilitate these Proceedings, let the General the same Day speak to the Horse-Officers in the Camp, who he knows to be our Friends, and upon the very first Alarm of the City's having revolted, let them march their Men to either *Ludgate* or *Newgate*, on Pretence to suppress the Mob; and when they are at the Gate, as a Token of their being Friends, let the Watch-Word be *This Morning*, and upon giving us the Word there, to open the Gates and let them in, and as soon as they are enter'd, to march directly to *Tower-Hill*, and join themselves with the General there.

13. Let the General also the same Day, order four of the Half-pay Captains to take upon them the following Commands, *viz.*

14. First Captain to go into *Southwark*, and exactly at the Hour of 9, to make a Bonfire in the Fields there, and give some Money among the Mob, and when you have got a Number together, send an Account to the General, take the Arms that must be lodged there, and distribute out amongst them, to your Acquaintance in the first Place, and to those which they recommend, and then issue out the Declarations, and after the Receipt of a Token from the Captain next mention'd, who is to command in *Palace-Yard*, to ferry over thither in Lighters, with the Watch-Word, *This Morning*, and join the Captain in *Palace-Yard*.

15. Second

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† A verbal Message by a third Person that must be by, when the General and this Chief Officer consult together in the Morn.

15. Second Captain exactly at the Hour of 9, to be in *Privy-Garden*, † adjoining to *Whitehall*, with a few Gentlemen arm'd, and seize upon the great Guns there, and then spread the Declarations, and stay there under the Cannon, till a greater Body join you from *Southwark*; or otherwise nail up the Cannon, and march directly to the next Captain in *St. James's Park*, with the Watch-Word, *This Morning*, and then send the Token, as above, to the first Captain in *Southwark*, and let the Messenger you send, conduct him and his Men to you in *St. James's Park*.

16. Third Captain, at the said Hour of 9, to go into *St. James's Park*, with the Key that is given you of the private Door out of *Arlington-Street*, and appoint only some few Gentlemen to meet you there exactly at that Hour, and ready, one to have the Watch-Word you give them, which must be *This Morning*. Let your first Rendezvous be at the little Grove under the Wall near the Gate leading to *Hyde-Park*; and there you'll meet Fire-Arms ready charg'd. Then march down to the Parade next the Horse-Guard, and seize upon the Cannon there, and Ammunition in the Store-House, and the better to secure *St. James's Park* for a Place of general Rendezvous, you shall have an Officer out of the Camp exactly at the Hour of 9, come to your Assistance with some Men, as he and you shall agree in the Morn'g of this Day; and as soon as you have seiz'd the Cannon here, and Ammunition aforesaid, you are to put your selves in a Posture of Defence, and publish the Declaration, and send forthwith to the General at the Tower to let him know of your Situation, and also send to the Captains in *Palace-Yard*, *Southwark*, and *Tuttle-Fields*, that they immediately come and join you.

17. Fourth Captain, exactly at the Hour of 9, the Evening of the same Day, to be in *Tuttle-Fields*; raise the *Westminster* Mob there, and with the Arms that are there lodg'd, equip them as you can; publish the Declarations, and march directly to *St. James's Park*, and join with them there, who, on your giving them the Watch-Word, are to admit you into the Park.

18. So here being two Bodies of Men thus gotten together the first Night, viz. One on *Tower-Hill*, and the other

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† *Palace-Yard* was first written, and then *Privy-Garden* interlin'd.



other in *St. James's Park*, (besides our Friends at the Artillery in *Hyde Park*) the next Morning, if not sooner, let our General order a Detachment to *Lincoln's-Inn-Fields*, and some Cannon to be plac'd on the Terras of the Garden there, lest the Enemy come in there, between *St. James's Park* and the City.

19. A proper Captain must be appointed to head the Watermen belonging to the *Thames*, and previous to the Day of Execution, he must agree with the Duke's Bargemen, that upon the least Notice to be given them, that they alarm all the Watermen, and bring them to a Rendezvous, the same Hour of 9 that Night of Execution, and this Captain's Rendezvous must be at *Greenwich*, where he must seize the Magazine of Powder, and take out such Part of it as each Man will carry, then blow up the rest, march from thence to the Tower, and join his Men with the General there, to whom he must first send a Messenger with the Watch-Word, and an Account of his Numbers.

20. Some Time before Execution, the General to send a Messenger to particular Men in the Country, that they rise in their respective Countries upon the first News of what is done here.

21. An Officer, &c. to go to *Richmond*, and at the exact Hour of 9, to seize upon Prince *Pritty Man*, and bring him away to *Southwark*, to some particular Place appointed, where an Agent from the General must meet them with his further Orders.

To proceed: After having hinted at this Plan, Mr. Serjeant *Pengelly* observ'd to the Jury a Regularity going thro' the whole Scheme; That the Place of Action was to be in the City of *London*, at the Breaking up of the Camp of his Majesty's Forces in *Hyde Park*; that the Plan contain'd a Disposition of several Officers, who were appointed to their particular Stations; that from the Management of the Conspiracy, and the Hopes they had entertain'd, the Conspirators concluded, they should have the Number of two hundred Men ready in one Body, to be commanded by proper Officers to make the first Attempt, and the first Stand; that they were to arrest the Persons of several great Men; that a Declaration was to be dispers'd, to excite People to come in to the Rebels; the Gates of the City of *London* were to be shut up, and Cannon brought down against them. That they were to set a Guard over the Bank; but  
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in the first Place, they were to take out Money sufficient to pay their Men. That their several other Parties were, to secure, the Artillery in the Camp, the Guns in the *Brivy-Garden*, the Cannon and Ammunition near the Horse-Guards in *St. James's Park*. And that to finish this villainous and execrable Design, at the Time the Tower was seiz'd, and the City in Arms, they were to send a Detachment to seize upon the Person of the King, to be deliver'd to their General at the Tower, under Pretence of securing him from the Mob; and thus the Life of his Majesty was to be in their Power. That the Witnesses they should call, and who were engag'd with the Prisoner, were *Stephen Lynch*, and *Matthew Plunkett* (which last had been a Serjeant in the Army) with whom the Prisoner consulted, and whom he engag'd in this desperate Attempt; and that they should call some other Witnesses to confirm several Circumstances of their Evidence. That *Mr. Lynch* having been recommended to the Prisoner by *Dr. Murphey*, who was in the last Rebellion, had several Meetings and Consultations, at divers Times and Places, particularly on the 25th of *August*, at the *Green Man*, a Publick House at *Layton, Stone*, at the Entrance upon *Epping Forest*, where they did in their Way to the House of the Lord *North and Grey*, to whom *Lay* was to present *Lynch*, as a particular Friend of his. That at this Place (the *Green Man*) there was between the Prisoner and *Lynch*, a Repetition of the whole Design and Conspiracy: That *Lynch* engag'd to attempt the seizing of the Earl *Gadogan*, and was likewise to have the sole Direction of apprehending the Lords *Townshend* and *Cartaret*, and *Mr. Walpole*. And that at that Time and Place, the Overt-Act laid in the Indictment, of publishing the treasonable Writing, was committed; which was a Declaration fram'd in the Hand-Writing of the Prisoner, to be publish'd on the first Breaking out of the Conspiracy, to excite the King's Subjects to take up Arms; and that it might have an Influence on the Army, where their Hopes were plac'd, it took Notice that the King's General was seiz'd, and in their Custody; and promis'd particular Rewards to the Horse and Foot. But here *Sir Thomas Pengelly* observ'd, that tho' their Expectations were founded on corrupting and debauching the Army, yet he mention'd it only as their Design, without any Imputation on the Honour and Fidelity of the Gentlemen

Gentlemen of the Army: For Persons who undertake an Affair of this Nature are always forward to expect, that their Design will be successful. That after the Prisoner and *Lynch* had settled their Affairs at the *Green Man*, they went to the Lord *North* and *Grey's* House at *Epping*, where they staid all Night, and din'd the next Day, and *Lynch* was presented to, and civilly receiv'd by his Lordship. That the Prisoner and *Lynch* met afterwards there a second Time; and *Lynch*, who was impatient of Delays, declaring he would withdraw himself, if Things were not put in Execution, the Prisoner reply'd, they would be sooner put in Execution, than *Lynch* imagin'd.

After this, Mr. Serjeant *Pengelly* proceeded to acquaint the Jury in what Manner the other principal Witness, *Matthew Plunket*, was engag'd by Mr. *Layer* to bear a Part in the Conspiracy. That they had Meetings at several Times, when *Layer* inform'd him, that Things were in a great Forwardness, tho' it was not yet a Time to put their Design in Execution; but it went on so well, that it could not miscarry: That the Duke of *Ormond* was to come in a single Ship, with some Officers; and that the Design had been discover'd to the French Ambassador, who had given Intelligence of it to his Majesty, or else the Affair had been done before that Time. That this *Plunket* was employ'd to prepare Lists of, and to collect and enroll fit Persons to go on with this Design; and particularly a Number of Serjeants, about 25; being dismiss'd from the Army, the Prisoner engag'd *Plunket* to go immediately to those Persons, and take Care to secure them. That the Prisoner told *Plunket*, there would be an Army of *Dutch* to come over in Aid of his Majesty, but that *Plunket* should see a Number of Half-Pay Officers, especially those of the Name of *Fitzgerald*, on the Side of his King (the Pretender) that they could not doubt of Success.

Sir *Thomas Pengelly* added, that besides the Evidence that should be given by *Lynch* and *Plunket*, confirm'd by the Confession of the Prisoner, (upon his Examination before the Lords of the Privy Council) prov'd by two Witnesses, the Counsel for his Majesty should likewise prove, that the Prisoner had been at *Rome*, and by his own Confession, that he had seen the Pretender, and had Conferences with him: That the Prisoner had Blank



was guilty of the High-Treason, whereof he stood indicted.

After this, Mr. Attorney-General made also a long Speech, wherein, in a very eloquent Manner, he display'd the Heinousness of the Prisoner's treasonable Designs; and open'd the Nature of the Evidence; taking Notice in particular, that the Lord *North* and *Grey* would be mention'd by the Witnesses, as the Person thought on to be the General in this Undertaking.

Then Mr. Solicitor-General desir'd, that they might proceed to examine Witnesses, and call'd for Mr. *Stephen Lynch*: But before he was sworn, the Prisoner desir'd, that he might be examin'd upon a *Voier dire*, whether he had not a Promise of Pardon, or some other Reward for swearing against him? And Mr. *Hungerford* represented, that if a Man be in the same Circumstances with the Prisoner, and the Prisoner led into the same Circumstances by the Person propos'd as a Witness, and afterwards by him involv'd in the same Offence, and if the Person propos'd as a Witness, has a Promise of Pardon, or some Reward, upon Condition that he would swear against the Prisoner, he cannot by Law be a good Witness: For the Person propos'd as a Witness, must be a credible and a legal Witness, not convicted of Perjury, or any other notorious Offence, a free Witness, that is, not under Restraint for the Offence he accuses another of. That therefore he hop'd, they had a Right of asking whether *Lynch* acted under the Influence of any Promise of Reward or of Pardon; and that this Right of examining him to the Promise of a Reward or Pardon, was supported by the Authority of the Lord Chief Justice *Hale*, set forth at large in *Kelynge's Reports*. This Demand, founded upon that Authority, was also insisted on by Mr. *Ketelbey*, who instanc'd in several Precedents in that Court: But they were answer'd by, Sir *Thomas Pengelly*, and Mr. Attorney-General; that the Authorities produc'd, were no more than that the Judges directed, that no Promise should be made, but if such a Promise was made, they agreed it did not disable the Person from being a Witness; that the asking the Witness the Question propos'd, as 'twas irregular, so if it was answer'd in the Affirmative, would be of no Service to the Prisoner, since it would not disable Mr. *Lynch* from being a Witness: That it was not like Money given; which is an actual Corruption; whereas the

Promise of Pardon was a Thing voluntary in itself. That every Man is bound in Justice to give Evidence, if requir'd, and a Promise to have a Pardon, if he gave Evidence against the Prisoner, could be look'd on only to induce him to do that which by Law he ought to do according to the Truth: And that the greatest Use the Prisoner could make of this, if such a Promise was made to the Witness, (which was not admitted) would be only against the Credit of the Witness, but not entirely take off his Testimony; for his Credit as well as the Credit of all Witnesses, must be left to the Consideration of the Jury. Mr. Solicitor-General having spoke on the same Side, they were reply'd to by the Counsel for the Prisoner; but the latter were over-ruled by the Lord Chief Justice, who told them, that their Objection went only to the Credit of the Witness, which must be left to the Jury, and therefore he must be sworn, and be examin'd as a legal Witness: That if he gave Evidence according to the Truth, he would be entitled as much to his Pardon, as if he gave Evidence of that which was not true. That the most they could say, was, he had a Promise of Pardon, if he gave Evidence; and could they conclude from thence, that he could give no Evidence except a false Evidence? That if they who ask'd the Question, insinuated any Thing like that, it ought not to have an Answer: But if he had a Promise of Pardon, if he gave true Evidence, it was no Objection either to his being a Witness, or to his Credit. That several Acts of Parliament have been made to give Encouragement by a Reward of forty Pounds, and a Pardon, for discovering, apprehending, and convicting of every false Coiner, Highway-Man, or House-Breaker. That yet ever since the making of those Acts, the Persons so promis'd and encourag'd, have upon those Tryals, been admitted as good Witnesses, even before a Pardon. And that indeed, there could not be too much Encouragement given to Criminals, to become honest, and to come in and impeach their Accomplices, it being often impossible fully to discover those secret Confederacies, but by some of the Accomplices and Actors therein.

Upon this full Determination, Mr. *Stephen Lynch* was sworn, and being examin'd, gave Evidence to the several Facts mention'd before, in Substance, by the King's Counsel; (and too tedious to be here repeated;) after which, he was cross-examin'd by the Counsel for the Prisoner, who by the By, objected that the Transaction

in

in *Effex*, was not an Overt-act at all of the High Treason laid in the Indictment. After *Lyuch's* Examination, *Matthew Plunket* was sworn, and among other Particulars, depos'd, That Mr. *Layer* ask'd him if he knew any Serjeants in the Guards, for he wanted such Soldiers as this Witness, that could discipline a Mob; for they had other Men enough amongst them; but if they could get some old Soldiers, they would be finely rewarded. That then they began to reason about the Pretender, and this Witness, objecting he was a Papist, Mr. *Layer* answer'd, *What Difference is there between a Papist King and a Lutheran King? Adding, that as it was, the Nation was enslav'd, and the People were oblig'd to be Slaves.* That this Witness then asking the Prisoner, who was the Promoter of this, that might join them? Mr. *Layer* said, *You see what Injustice is done to you, you have serv'd abroad, and others have been put over your Head; you have had and found great Hardships.* That the Witness still asking him who promoted this, *Layer* said; the Lord *North* and *Grey*, who was a fine General; and that he also mention'd the Earl of *Strafford*; and ask'd this Witness, what he thought of them! To which he reply'd, that they were great Men, and Peers of the Land: That then Mr. *Layer* ask'd him, *What he thought of General Primrose, and General Webb?* That as to the former, this Witness answer'd, *That he was an old Man*; and as to the latter, *That he had heard of his Fame.* That afterwards Mr. *Layer* sent to this Deponent one Mr. *Jeffreys*, a Nonjuring Clergy-Man, who told him, he was employ'd by Mr. *Layer* to go to such as the Witness was, who were old Serjeants, to get a Parcel together to discipline Citizens, and other Mob in the Country. That he desir'd him to get Men in Readiness, and gave him a Half-Guinea as a Token which Mr. *Layer* had sent him to give this Witness Encouragement. That at other Times Mr. *Layer* gave him Money to encourage him. That he brought to the Prisoner one *John Child*, an old Soldier, as thinking he might be of Service to them. That having told the Nonjuring Minister, he had got twenty-five Soldiers, Mr. *Layer* press'd him to give him a List of them, that he might know where their Habitations were, and that they might be in Readiness at the Time: And that this Deponent asking what they would do for Arms? Mr. *Layer* said, *No Fear of Arms, and that Arms would be provided for them.*

The Prisoner and his Counsel having cross-examin'd *Matthew Plunket*, the King's Counsel proceeded to shew how Mr. *Layer's* Papers taken in Mrs. *Mason's* House, came

came to be in her Possession, and to prove that the Scheme of the Conspiracy abovemention'd, which was found among these Papers, was Mr. *Layer's* own Hand-Writing. These Particulars were made out by the Evidence of *John Turner*, and *Edward Spear*, two of the King's Messengers, who were employ'd to seize Mrs. *Cook* and Mrs. *Mason*; of Mrs. *Eliz. Mason*, with whom Mr. *Layer* had lodg'd two Bundles of Papers that were found in her Custody; and of Mr. *Doyley*, a Country Attorney, whose Clerk Mr. *Layer* had formerly been, and who said, he believ'd, that the Paper he was shewn, viz. the Scheme of the Conspiracy was Mr. *Layer's* Hand-Writing, and that he founded his Belief upon comparing that Writing with the Letters he had receiv'd from Mr. *Layer*; and in the last Place, of Mr. *Delafaye* and Mr. *Stanyan*, two Under-Secretaries to the Secretaries of State, who attended the Lords of the Council, when Mr. *Layer* was examin'd before them, and who depos'd, that when Mr. *Layer* was there shew'd the Paper, the Scheme in Question, as his own Hand-Writing, which said, *Arms that are there lodg'd*, he was so far from disowning it, that he insinuated the contrary, answering, *He should have writ Arms that should there be lodg'd*.

It is observable, that in the Cross-examining Mrs. *Mason*, the Prisoner ask'd her, whether she ever went by the Names of *Herbert*, *Corbet*, or *Bevan*? Which unlucky Question nettled that Witness; and gave Occasion to Mr. Attorney-General to ask her what Names the Prisoner at the Bar had gone by? To this she answer'd, that Mr. *Layer* had given her Orders that if any Letter came directed in the Name of *Fountaine* she should take it in; accordingly in two or three Days Time, there came a Letter directed to Mr. *Fountaine*, which she took in, and when he came, gav<sup>e</sup> it to him, and he open'd it and read it; which Part of her Evidence went a great Way to convict him.

Mr. Attorney-General having pray'd that the Papers might be read, Mr. *Hungerford* said, he hop'd they should not, because the Evidence which had been given for the King, had not brought them Home to the Prisoner: That there was no legal Proof that the Papers were of his Hand-Writing, and consequently he could not be affected by any Thing that was in them: That what was said of the Likeness of Hands was no Evidence at all. That the first Witness, Mr. *Doyley*, had indeed said, it was like his Hand; but that he gave that Opinion of his, on the



the Knowledge he had of the Prisoner's Hand fourteen Years ago, and by some Letters he receiv'd from him about five Years since: And that Men's Hands may differ and vary even in five, much more in fourteen Years. What follows, added Mr. *Hungerford*, is the Evidence that has been given by the Gentlemen belonging to the Secretaries-Office: I personally know them to be Gentlemen of good Sense, Integrity, and Honour; and for my Part I believe every Word they say, which is more than I can say of the other Witnesses hitherto produc'd: But what these say, doth not with Submission affect the Prisoner: They were present when the Prisoner was examin'd before the Lords of the Council; none of them heard the Prisoner acknowledge that the Papers were writ by him, or that he did own them as his; neither was he ask'd any Question to that Purpose, neither did the Nature of the Examination the Lords of Council were then upon, lead them to such a Question: The Lords were not asking Mr. *Layer* Questions to fix an Evidence upon himself. But the Lords having some Papers before them, and according to the Duty of their high Stations, being intent upon discovering what might be of Danger to his Majesty and the Publick, they ask'd Mr. *Layer*, where the Arms were deposited at *Westminster*? He answers, that he knew of none there, or to that Purpose. It cannot in Law, or Reason, be hence inferr'd, that he did own the Papers to be his own Hand-Writing. The only Evidence therefore which can be insisted on, to entitle these Papers to be read, is the Evidence of Likeness of Hand, which is no Evidence at all in a criminal Case. In my Lady *Carr*'s Case, it was not allow'd to be Evidence; and yet that was not a Capital Case, but a Case of Misdemeanour only, it was Perjury. But there is an Authority beyond all that; we have the Act of Parliament for the Reversal of the Attainder of Colonel *Sidney*, who had been convicted upon Evidence given of the Similitude of Hands, and that a much stronger Proof than what appears here; for *Cook* and *Cary*, two famous Goldsmiths, swore they believ'd the treasonable Libel laid to Colonel *Sidney*, to be writ by him; and assign'd that for a Reason of their Belief, for that they had receiv'd several Bills of him of the like Hand-Writing, which they constantly paid. Nay, one of the Goldsmiths swore, (as I remember the Tryal) that he saw the Colonel write a Receipt. Some other Cases of this Nature might be quoted, but we depend  
upon

upon the Authority of the Lady Carr's Case, and the Act for reverſing the Attainder of Colonel *Sidney*, which is *inſtar omnium*; for in that Act, the Reason assign'd for reverſing the Attainder, is, for that the Conviſtion and Attainder was founded upon a Similitude of Hands. We have an attested Copy of the Act here ready to be read. In Conſequence of this Act, my Lord, Similitude of Hands is never to be given as Evidence in a criminal Caſe: And therefore we humbly hope, that this Paper is not ſo prov'd, as to be read in any Court, but muſt be rejected: It is not prov'd to be his Hand by any that ever ſaw him write, neither hath any Body heard him own it to be his.

Then Mr. *Ketelbey* begg'd Leave to ſay a few Words in Support of this Objection, and ſaid, We don't know what is the Purport of this Paper. I dare ſay, Mr. *Hungerford*, as well as my ſelf, hath not ſeen one Tittle relating to it whatſoever; but I hope, for the Sake of Evidence, the ſacred and eternal Rule of Evidence, that Similitude of Hands ſhall not go for Proof, where a Perſon is charged with a Capital Offence. We ſhall in due Time endeavour to lay before the Court ſeveral material Objections to the Credit of ſome of the Witneſſes; but at preſent we muſt ſuppoſe them unexceptionable, and conſider, with reſpect to this ſingle Point, whether this Paper is ſufficiently prov'd to be his Hand-Writing, ſo as to be read? Mrs. *Mafon* and the Meſſengers have endeavour'd, by a jumbling Evidence, to prove the Identity of the Papers, and to hand them down from one to another: But how do they appear to be of the Priſoner's Hand-Writing? Mr. *Doyley* ſays, fourteen or fifteen Years ago he was his Clerk, that five Years ago he receiv'd Letters from him, and that he chiefly founded his Opinion that it was the Priſoner's Hand-Writing, becauſe he had compar'd it with thoſe Letters, and that the Hands were alike: And yet thoſe Letters with which he compar'd this Paper he hath not in Court to produce. This is the Subſtance of *Doyley's* Evidence. My Lord, I humbly inſiſt that this is not ſufficient; and if Compariſon of Hands was to be Evidence, ſurely this would not do, unleſs he produc'd thoſe Papers, on which he owns he founded his Opinion. I refer it to the Jury, whether he may not poſſibly, nay probably, make an erroneous Judgment. Shall a Man be believ'd out of his Life, becauſe the Witneſs ſaw him write fifteen Years ago? And received  
Letters

Letters from him five Years ago? Is any Thing more changeable than a Man's Hand-Writing? Can either of you, Gentlemen, take upon you to say what is, or is not your Writing after so great a Length of Time? Wou'd not the different Subjects, the one a common Letter of Business, the other a treasonable Scheme, make a sensible Variation even in a Man's usual Character? The Case of my Lady Carr is reported in *Siderfin, Fol. 419.* and was upon an Indictment of Perjury, an Offence of a much lower Nature than what this Gentleman is now tried for: There a Witness swore he believed the Paper produced in Court to be her Hand; but the Court declared, that Evidence was insufficient, and ought not to be admitted; and accordingly she was acquitted. But the highest Authority is what Mr. *Hungerford* hath named, the Act of Parliament for the Reversal of the Attainder of Colonel *Sidney*; and we have a Witness here ready, that examined it with the Record, that proves it to be a true Copy. *Algernoon Sidney* was attainted of High-Treason by Similitude of Hands, and that was the Reason of the Reversal. The two next Witnesses are Mr. *Delafaye* and Mr. *Stanyan*, Gentlemen of Honour, and that would not strain a Point upon any Account whatsoever. Mr. *Delafaye* doth not know, whether this Paper was on the Table, when Mr. *Layer* was examined before the Lords of the Council, or no: Mr. *Stanyan* says, he was somewhat nearer the Table, and he takes the Paper that is now produced to be the same Paper that was upon the Table in the Room before the Lords of the Council, when Mr. *Layer* was there; because, when it was produced there, and shewn to him, he said, *I shou'd have wrote Arms that shou'd be lodg'd.* Mr. *Stanyan* owns, that he never was ask'd the Question, *Whether it was his Hand-Writing or no?* How then shou'd he deny it, if it was never put to him? And therefore to say, because he did not deny a Question that was never asked him, that that shall import, as to this particular Matter, a Confession, is to me strange and unaccountable! The natural Sense of the Prisoner's Words, as proved, is no more than this: *No, if I had writ it, I shou'd have rather wrote, Arms that shou'd be lodg'd, than Arms that were lodged.* Therefore, my Lord, we humbly apprehend they have not given Evidence in this Case, sufficient Evidence to support the Reading of those Papers. Your Lordships are now to lay down a perpetual Rule of Evidence: For latest Posterity will pay a

just Regard to the present Determination; and if Comparison of Hands in this Case be allowed as Evidence, the same Rule must for ever hold in all parallel Cases, and God knows what may be the Consequence of such a Resolution, or who may be affected by it!

Mr. Serjeant *Pengelly* answer'd, That notwithstanding what had been objected to the Reading of that Paper, he hoped that it was proper to have it read. That tho' the Prisoner's Counsel had mention'd some Cases to maintain their Objection; yet the later Authorities, and the constant Course of Evidence since, were directly with the King's Counsel, particularly, the Case of my Lord *Preslon*, where eight or nine of the Judges were present. Mr. Attorney-General urged, that they had given very proper Evidence to entitle them to read that Paper. That what was alledged, in the Lady *Carr's* Case, about a Letter, did not appear at all to relate to the Case there; and if any judge did lay down such a Position, as had been mention'd on the Prisoner's Side, the Meaning must be, that an Answer on Oath shall not be falsify'd by a Letter only under the Party's Hand, and that such a Letter should not be a sufficient Evidence to convict him of Perjury. That as to the Case of Colonel *Sidney*, it was very well known, that it was generally thought extremely hard, to make his having by him a general Tract, writ in Answer to a particular Book, and kept private in his Closet, an Overt-Act of High-Treason, for which he was found Guilty and attainted. And therefore it was no Wonder, when this came into the Parliament, that they resent'd this Proceeding, and revers'd his Attainder. That the Reasons recited in the Act, were accumulative; every Step taken in that Proceeding being complain'd of, and no Stress laid only upon the Proof of that Tract. And that, if the Nature of the Evidence they (the King's Counsel) had given to prove the Paper (*the Scheme*) in Question, to be the Prisoner's Hand, was consider'd, it stood clear of any material Objection that could be rais'd from that Act. My Lord *Chief Justice* having given a full Determination for the King's Counsel, the whole Scheme, as above set down; was read by the *Clerk of the Crown*, as was also one of the Notes or Receipts subscribed *James R.* to which the Prisoner's Counsel rais'd Objections; tho' they had beforehand been told by my Lord *Chief Justice*. That these Papers were not read as if the Hand was proved, but only as Papers found on the Prisoner as had been adjudg-  
ed

ed in the Lord *Preston's* Case; tho' the Proof was not so strong there, as the Proof of the Scheme against the Prisoner.

After this, Mr. *Stanyan* was again examin'd by the King's Counsel, as to the Prisoner's Confession before the Lords of the Council, and deposed, that upon the Lords asking Mr. *Layer* the Meaning of those Receipts, signed by the Pretender, and what Use he made of them, he said, that during the Time he was at *Rome*, he had settled a Correspondence with Sir *William Ellis*, and some Time afterwards he writ to Sir *William Ellis*, according to the Directions he gave him, and he told him, if he could send any Receipts signed by his Majesty, or the King, as he call'd him, he thought Money might be raised upon them for carrying on the Cause. That these were near the Words, at least, he was sure they were the Purport of them, as it was reduced into Writing, by this Deponent and Mr. *Delafaye*. That Mr. *Layer's* Examination lasted about four or five Hours. That Mr. *Delafaye* took the Heads of the Questions propounded, and this Deponent sat near the Table, look'd over Mr. *Delafaye*, attended to the Questions and Answers; so that they could set one another right when they came to consider them: But that what they wrote was not read over to Mr. *Layer*. Mr. *Ketelbey* observing, whether it was ever known for one to take the Questions, and the other the Answers, and then to compare them together, in order to make a Confession? Mr. *Stanyan* answer'd in the Negative, adding, that Mr. *Delafaye* wrote down both the Questions and Answers. That what Mr. *Delafaye* and this Deponent wrote was the Minutes of an Examination to be drawn out in Form. But the Lords finding Mr. *Layer* not so candid and ingenuous as they thought he would have been, did not ask him to sign it; and they (this Deponent and Mr. *Delafaye*) only made use of it to refresh their Memories.

The Counsel for the Prisoner having objected to his Confession being given in Evidence against him; without having been read to him or signed by him? And urging, that a Confession to a Justice of Peace, in Cases of Felony, unless read to, and signed by the Party, must not be given in Evidence: They were told by my Lord Chief Justice, that they seem'd to mistake what was contended for by the King's Council; that they were not going to offer any Thing to be read in Evidence, that was neither read to, nor signed by the Prisoner; but that if

there is no Examination reduced into Writing, and sign'd by the Party, the Consequence of that is, that the Witness is at Liberty to give an Account of what was said, and he may look to his Notes to refresh his Memory. Upon this Determination Mr. *Delafaye* was also examin'd, and confirm'd Mr. *Stanyan's* Evidence, as to Mr. *Layer's* receiving the Receipts in Question from Sir *William Ellis*, adding, that Mr. *Layer's* Intention was to have tried his Friends, and to have rais'd Money on those Receipts; alledging for a Precedent, that a little before the Restoration of King *Charles II.* a Method of this Kind had been used.

After this, the King's Council proceeded to read some of the Letters, that were sent and pass'd between Sir *William Ellis* and Mr. *Layer*; and in the first Place laid before the Court the Cyphers they made use of to explain several Cant Words, and Expressions which they used in their Letters; the principal of which were as follows:

*Barbara,*  
*Workmen,*  
*Timothy,*

*Eustace Jones,*  
*James Fountaine,*  
*Digby,*  
*Burford,*  
*Steel,*  
*Tanners,*  
*Waggs,*  
*Rogers,*  
*Mr. Atkins, or Mr. St.*  
*John,*  
*Simmons or Simmes,*  
*Rental,*

stands for

*the Army.*  
*Soldiers.*  
*Hughes, whose Wife was*  
*Nurse to the Pretender's*  
*Child.*  
*Sir William Ellis.*  
*Christopher Layer.*  
*Dillon.*  
*Orrery.*  
*Regent.*  
*Tories.*  
*Wiggs.*  
*Plunkett.*  
*the Pretender.*  
*the Lord North and Grey.*  
*the Cypher itself.*

The first of the Letters that were read, was signed *Eustace Jones* dated the 30th of *January*, directed, for *James Fountaine Esq;* to be left at *Howel's Coffee-house* in great *Wild-street*, *London*; and having acknowledged the Receipt of a Letter of the 24th of *November* from his Friend, added, *I am entirely of his Opinion, as to the Method of carrying on the Manufactory; the procuring of good Workmen is the first Step to be made, and if he can get such, the rest will be easy, and particularly if he could gain some of the ablest* of

of Mrs. Barbara Smith's, I know it would be very agreeable to all concern'd, and particularly to Mr. Atkins, to whom he spoke of Writing; and which I am satisfy'd, will be very acceptable; and if he thinks fit to inclose it to me, I shall convey it safely into his Hands, whom I find, was very glad to hear of him, counts very much upon his Friendship, and hopes for the Continuance of it. I made his Compliments to Mr. Timothy Watson's Wife, who took them very kindly, and returns her's, with her most humble Service. She and her Charge are very well, God be prais'd, as are also all Friends here.

The second Letter dated the 11th of July, 1722, sign'd N. C. Esq. directed as the former, for James Fountaine, Esq; is as follows:

Dear Sir,

I Receiv'd with all possible Satisfaction your most affectionate Letter of the 8th of May with its inclos'd, which was presently deliver'd to Mr. St. John, who took it extream kindly; but could not well understand what relates to Mr. Burford; he hopes, your Answer to what I writ in the Beginning of last Month, may soon clear that: You will have seen by what I then told you, that the former came safe to his Hands, and the Reason of your not having had a distinct Answer to it. He had the Stockings you sent for him, and returns you many Thanks for them; as also for all other Marks of your Affection and Concern for him and his, and will be ready to shew his Sense thereof on all Occasions. I am in earnest Expectation of hearing soon again from you, and am, with all possible Affection and Esteem.

Dear Sir,

For James Fountaine, Esq;  
to be left at Howel's Coffee-  
House in Great Wild-Street,  
London.

Your most faithful and  
most humble Servant  
N. C.

The third Letter dated the 27th of May, sign'd by no Body, nor directed to any Body, was read as follows,

Dear Sir,

I Receiv'd with a great deal of Pleasure, the Favour of your most obliging Letter of 22d of March, with an inclos'd for our Friend, who was very glad to hear from you; and is very sensible of, and takes very kindly the Care you take of his little Concerns there; but says, he doth not sufficiently understand the State you sent, so as to be able to make a particular

*ticular Answer, till you shall further explain it; there being some Tenants mention'd by you, whose Names he does not find in the Rental, as Burford, Steel, Digby, the little Soldier, and Simmons; the latter, he believes, should be Simmes, he is of the North, a grey-hair'd ancient Man, whom he very well remembers; and has a particular Esteem and Value for, as a very good Tenant, and a very honest Man.*

*All Friends here, are in perfect good Health, God be thanked, and remember themselves kindly to you, and I am most entirely yours, &c.*

After having given a short Explanation of these Letters, by the Cypher, above-mention'd, the King's Counsel caused several Papers to be read, being Lists of the Officers Names, (with Marks and Numbers to some of them) and Accounts of the Number of the Officers and Soldiers in the first, second, and third Regiment of Foot-Guards; of the four Troops of Horse-Guards, of the two Troops of Horse-Grenadiers; and of the great Officers in the Tower: But Mr. Attorney-General previously observ'd, that in some of the Lists, there were the Names of several Persons of very great Honour and Loyalty to his Majesty; but that the reading of them was to shew, that the Prisoner was consulting how he might get an Account of the Number of the Forces. To which, My Lord Chief Justice added, he suppos'd the Prisoner was taking a Survey of the Persons that were of the Guards, that he might be capable of making a Judgment.

After this, in order to support the Evidence of *Lynch* and *Plunket*, in Relation to some particular Facts, the King's Counsel offer'd to produce Witnesses, to prove that the prisoner had been at *Rome*, and corresponded with the Pretender and his Ministers. This was oppos'd by Mr. *Layer's* Counsel, on Pretence, that the corresponding with the Pretender, being made High Treason by another Act of Parliament, not by the Act of Parliament upon which the Prisoner was indicted; therefore his being at *Rome*, or corresponding with the Pretender, could not be offer'd as an Evidence of High Treason upon this Indictment. They were answer'd, that it was only to shew the Probability of his receiving those Receipts above-mention'd; and Sir *William Ellis's* Letters; and the Lord Chief Justice having determin'd, that as this Evidence was offer'd, it was very proper. Mr. *Stannan* gave Evidence, that when Mr. *Layer* was examin'd, he



he acknowledg'd he had been at *Rome*; and return'd from thence in *July*, 1721; and that he had two Conferences with the Pretender.

Mr. *Ketelbey*, one of the Counsel for the Prisoner, said thereupon, That Mr. *Stanyan* having taken Minutes of Mr. *Layer's* Examination, he had rather see the Minutes, than trust to his Memory; that in the Tryal of the two Bailiffs in this Court, the Substance of what the Deccas'd said was reduc'd into Writing, and therefore the Parole-Evidence was rejected; that he had not the least Disrespect for Mr. *Stanyan*, and could take his Word for any Thing but his Client's Life; and therefore he hop'd he should produce those Notes; which he had referr'd to. Mr. *Hungerford* having also insisted upon it, my Lord Chief Justice ask'd Mr. *Stanyan* whether he had those Minutes in Court? Mr. *Stanyan* answer'd, he had; but the King's Counsel did not think fit to produce them; alledging, that the Prisoner's Counsel desiring to have those Minutes read, was not so much for the Sake of their own Client, as for the Sake of other People; and that there might be many Things that were not material to the present Case of Mr. *Layer*.

Then the King's Counsel proceeded in the further Examination of Mr. *Stanyan*, who depos'd, that the Lords having ask'd Mr. *Layer*, if he had seen any Declaration? He said, No, he had only the Heads of one, which he drew himself; that he believ'd one *Wilson* had it, and that the only Persons that had seen it, were that *Wilson*, one *William Jeffreys*, a nonjuring Parson, and one *Lynch*. Mr. *Stanyan* gave also in Evidence several other Parts of Mr. *Layer's* Confession, before the Lords of the Council; particularly, that *Lynch* having told *Layer*, he would seize the Lord *Cadogan*, *Layer* recommended him to the Lord *North* and *Grey*, as a proper Person for such an Attempt. That several Healths were drunk (whether just at Dinner or afterwards, he could not be positive) which were begun by the Lord *North* and *Grey*; and after Dinner, there came in a Man they call'd a Citizen, and they drank the Pretender's Health, his Wife, and the young Prince.— That in the Conference Mr. *Layer* had with the Pretender, he took Occasion to speak of the Discontents of the Nation, which had been occasion'd by the Losses sustain'd in the *South-Sea*. That the Pretender asking him if he knew any Persons of Distinction in that Case? He said, that he knew a great many that were well affected to his Interest,

Interest, that he was not acquainted with People of Quality, but that he knew several of good Estates, that were well affected to his Interest. That upon this, the Pretender ask'd him several Questions; says he, it must be very expensive to you to come hither to *Rome*, it must cost you 300*l*. No, saith he, not above half so much. That then the Pretender prais'd his Zeal and commended him: That after that, Mr. *Layer* ask'd the Pretender to give him some Tokens or Credentials, that he might have something from his Majesty, that wou'd be a Means of his gaining Credit among his Friends here; that he said, the Pretender scrupled that; that Mr. *Layer* propos'd afterwards that the Pretender's Wife shou'd stand Godmother to his Daughter, (to Mr. *Layer's* Daughter) that afterwards Colonel *Hay*, to whom he was introduc'd at the Pretender's Court, brought him Word that the Pretender's Wife would stand as Godmother to his Child: But then the Question was, Who shou'd represent her? And after some Time, it was propos'd to Mr. *Layer*, to find out a fit Person to represent her. Mr. *Layer* propos'd the Dutches's of *Ormond*, which was agreed to; after that, the Pretender, agreed to stand Godfather with his Wife, and then the Point was, who should represent him? And Colonel *Hay* told him, that he must take Care of that, to find a proper Person to represent his Majesty. That in Pursuance of this, when Mr. *Layer* came into *England*, he apply'd himself to one Mr. *Thompson*, to speak to my Lord *Orrery*, to stand to represent the Pretender, with the Dutches's of *Ormond*: But that the Lord *Orrery* declin'd it; and afterwards he got the Lord *North* and *Grey* to stand. That Mr. *Thompson* did christen his Child, the Lord *North* and *Grey* and the Dutches's of *Ormond* standing as Proxies for the Pretender and his Wife; that when he was ask'd by the Lords, Who were in Company at the Christening? He said, only the Dutches's of *Ormond*, the Lord *North* and *Grey*, Mr. *Thompson* the Minister, himself, and his Wife, and another Woman, at whose House the Christening was perform'd; but he said, she was not present in the Room; tho' she assist'd at the Christening.

Mr. *Delafaye* confirm'd Mr. *Stanyan's* Evidence, and depos'd, that Mr. *Layer* declar'd to the Lords of the Council, that he had been at *Rome*; that he had had two Conferences with the Pretender whom he had acquainted with the Disaffection of the Nation, with respect to the Losses that had been sustain'd by the *South-Sea*: He said,

said, in general the Nation was well affected, that he knew Persons of Estate, not Quality, that were in his Interest: That then he propos'd to have Credentials or Tokens of the Pretender's Regard to him, which not being granted him, then he desired the Pretender's Spouse should stand Godmother to his Child. The Pretender said he would consider of it; that Colonel *Hay* afterwards brought him Word that she consented, and then there were some Conferences, who should represent her: That it was agreed the Dutcheß of *Ormond* should represent her; that Mr. *Layer* desiring a Credential or Token to the Dutcheß of *Ormond*, *Hay* told him, without that she would stand; only, said he, carry a Message, that the Duke is well, and gone to Madrid. That *Layer* desired to know who should stand as Godfather? Why, the King himself, that is, the Pretender; and *Layer* desiring to know who was to represent him; he desired to be excused, but *Layer* would find out one upon his Return into England, that was proper for that Purpose: That when he came into England, being at a Loss for a Person to represent the Pretender, he went to Mr. *Thompson* to advise with him about it, who went to the Lord *Orrery*, to desire him to stand as Proxy for the Pretender: That the Lord *Orrery* declining it, then he went to the Lord *North* and *Grey*, who accepted it; that the Child was christen'd at *Chelsea*, (as this Witness took it) at a House, where there was a China-Shop. That it was in the Spring, what Day, the Deponent could not tell. That he said, there was his Wife; the Lord *North* and *Grey*, who stood for the Pretender; and the Dutcheß of *Ormond*, who stood for the Pretender's Wife; the Woman of the House, but she was not within the Room at the Christening. Mr. *Layer* own'd, he had drawn Heads of a Declaration; and that when he was going to my Lord *North* and *Grey*'s, he did shew it to Mr. *Lynch*, at the *Green Man*, as he was on his Way thither. That Mr. *Lynch* having told him, he would seize upon the Lord *Cadogan*, he did recommend him to the Lord *North* and *Grey*, as a proper Person for that Attempt. That the second Time he recommended him, he had propos'd carrying *Lynch* to the Lord *North* and *Grey*'s; he having told him, that he was a very honest Man, fit to be concern'd in an Insurrection; and that *Layer* having told *Lynch* his Lordship was to be at the Head of the Design, *Lynch* was impatient to wait upon him.

L.

Then

Then the King's Counsel proceeded to prove that there were Arms at the Prisoner's House, when he was seiz'd; and Mr. *Stanyan* and Colonel *Huske* swore to two or three Swords, two Cases of Pistols, two Fuzees, a Blunderbuss, all ready loaded, some other Arms, and about 40 Cartridges, with a Ball, or Bullet made up at the End of each Cartridge, which Colonel *Huske* believ'd would fit the two Fuzees he saw.

Two other Witnesses, Mr. *Smeybert*, and Mrs. *Hay*, were afterwards sworn, and depos'd, that they saw the Prisoner at *Rome*, about Year and half before; and that he was there a Week or a Fortnight. In the last Place, the King's Counsel produc'd Mr. *Squire*, one of the King's Messengers, and other Witnesses to prove that Mr. *Laver* had made his Escape out of the said Messenger's Custody, as was open'd before; and then Mr. Serjeant *Pengelly* declar'd, they had gone through their Evidence, and should rest it here.

Thereupon Mr. *Hungerford* addressing himself to the Court, and the Gentlemen of the Jury, made a long and learned Speech, wherein he represented, that the Prisoner was indicted upon the Statute of the 25th of *Edward III.* commonly call'd the Statute *De prodicionibus*; that by that Act it is declar'd Treason, to compass or imagine the Death of the King, as also to levy War against him. That it is not said, that to design or contrive to levy War only, shall be Treason. That the Treason laid to the Prisoner's Charge, was compassing and imagining the Death of the King; and the Overt-Acts laid to his Charge, were, that he did consult and conspire to levy War; that he did publish a treasonable Libel, to incite an Insurrection; that he consulted to put the Pretender upon the Throne, and to seize and imprison the King. That there was no Evidence of any of these Overt-Acts attempted to be given in Evidence against him in *Essex*, save only that of publishing a treasonable Libel, which the King's Counsel would insinuate to be the Pretender's Declaration. That the Evidence of the other Overt-Acts were attempted to be prov'd in *Middlesex*; and that in Truth, the greatest Part of the whole Transaction was by the King's own Evidence prov'd to be in that County. That therefore he wonder'd the Indictment was not laid there: But that the Indictment being laid in *Essex*, if an Act of High Treason was not prov'd to have been committed by the Prisoner in that County, he must be acquitted. That he (Mr. *Hungerford*) might insist, that

that an actual Levying of War, and not designing to levy War, being made Treason by the Statute of Treasons, the publishing a Paper, which purports at the utmost, but an Intention only to levy War, or raise a Rebellion, is not Treason, and consequently not a legal Overt-Act within that Statute; to warrant which Opinion, he quoted several Authorities: That he only hinted this Matter, for he well knew what Determinations the Judges had of late Years given upon this Objection. But he hop'd, in this Case, there would be no Occasion for an entire Dependence upon this Objection, and that it would appear, that no such Overt-Act as was laid in the Indictment, that is, publishing the Pretender's Declaration at the *Green Man*, was at all prov'd. That the Evidence given touching that Matter, was only by Mr. *Lynch*; that he gives an Account, that at the *Green Man*, before Dinner was brought up, the Prisoner gave him a Paper, which Mr. *Lynch*, and not the Prisoner, call'd the Pretender's Declaration. That Mr. *Lynch* read only one Paragraph in it, whereby, as he said, the Soldiers were attempted to be allur'd from his Majesty's Service. That this was the whole Evidence given; touching any Offence committed in the County of *Essex*: For as to any treasonable Discourse (between *Lynch* and the Prisoner) between *Aldgate* and the *Green Man*, they could not in Justice, and without a particular Proof to that Purpose, be charg'd upon the Prisoner to be done in *Essex*, a great Part of the Way, viz. from *Aldgate* to *Bow-Bridge*, being in *Middlesex*, and not in the County of *Essex*. That therefore they hop'd, 1<sup>st</sup>. there was no Evidence to convince the Jury that any such Declaration was publish'd at all. 2<sup>dly</sup>. That if there was a Paper read there, the Paper read was not an Act of High Treason. That the Time that the Prisoner and Mr. *Lynch* staid at the *Green Man*, was so short, that whatever was transacted, was admitted on all Hands, to be done before a Beef-Stake was dish'd up, and therefore there could be no Time for so solemn an Act as publishing a Declaration to overturn three Kingdoms. But that in the last Place, if the Prisoner gave Mr. *Lynch* any Paper to read, a Paragraph whereof was to the Purposes Mr. *Lynch* related; yet such a Paper could not be imputed to the Prisoner as an Act of High Treason: For there was but a few Lines of the Paper read, and the rest were not read at all, either by Mr. *Lynch*, or the Prisoner; and he (Mr. *Hungerford*) never knew that Part of a Deed or Writing was ever allow'd to be given

in Evidence, without producing or reading the whole: Can it be said, added he, that the Prisoner giving Mr. Lynch a Paper, of which, he read only a few Lines, and then the Prisoner takes it up again, is a Publishing a treasonable Paper, or in Truth a Publishing of any Paper at all? Declarations for Rebellions are commonly publish'd in publick Places, to captivate Multitudes, and not handed from one Man to another when they are expecting a Beef-Stake. There was no appointed or solemn Meeting, at the *Green Man*; no Concourse of People there, neither in Truth, by Mr. Lynch's own Evidence, can it be taken to be a real Declaration; for he says, as I remember, that in that Paper it was mention'd, that the Lord Cadogan was in Custody; that Fact is utterly false, his Lordship neither was, nor is so.

I must submit to the Consideration of my Lords the Judges, and the Jury, of how dangerous a Consequence Constructions of this Nature may prove to be. Before the Statute of Treasons, the People of *England* labour'd under vast Mischiefs by the great Uncertainty there was, of what was High Treason, and what was not. The Parliament thereupon, to ease the People of that Perplexity, in the Twenty fifth of *Edward III.* pass'd the Law of Treasons, for which the People then paid a great Sum of Money; and for which, that Parliament was call'd Blessed, (*Parliamentum beatum*) and now, if every Act a Man doth, though perhaps tending to Sedition, shall be interpreted to be an Overt-Act of High Treason, the Subject will labour under the same Inconvenience, and under the same Perplexities, as they were before the Statute of Treason: This Practice may be so far improv'd, that if a Man delivers a seditious Ballad to another to be read, that shall be interpreted an Overt-Act of High Treason, much more if People in their Cups, should drink such Healths as were said to be drank at my Lord North and Grey's House; for no Man can deny but that *Bibere est agere*, whatever *Scribere* is.

Mr. Ketelbey enforc'd what had been offer'd by Mr. Hungerford, in Behalf of the Prisoner, adding what follows.

What have they to charge him with such an Overt-Act? Nothing but the single Evidence of Lynch! He is the only Person that speaks to this Point. — He says, that they set out from *Aldgate* in order to ride to the Lord North and Grey's, and alighted at the *Green Man*; that what Discourse pass'd between them there, was before Dinner: He owns he went down Stairs twice before

before Dihner, and spent some Time in looking out of the Window, to see some Persons with whom he was acquainted; and when the Dinner (which was soon got ready) was brought up, Mr. *Layer's* Servant came and waited, and no Discourse pass'd there during that Time. He tells you, that Mr. *Layer* pull'd a Paper out of his Pocket, and shew'd it to the Witness, who read Part of it, and that it contain'd treasonable Matter, as laid in the Indictment: This is the Substance of what *Lynch* swears, I took it as well as I could in Writing from his Mouth.

Now, my Lord, this is sufficient to convict this Gentleman of committing an Overt-Act of High Treason in *Essex*? A bare pulling a Paper out of his Pocket, and giving it him to read, where such and such a Thing is set forth, as by *Lynch* is call'd a treasonable Declaration!

My Lord, if he had pull'd out of his Pocket the most treasonable Paper that ever was invented, is it any more than publishing a Libel? Is that an Overt-Act of Treason? I will suppose it a Copy of the Pretender's Declaration, or an Original, such a one as was burnt by the Sheriffs of *London*, two Days ago; If a Man had that, and pull'd it out of his Pocket, and gave it to another to read, Is this High Treason? I dare say, if any such Person falls into Mr. Attorney's Hands, he, that always does his Duty to the Crown as he ought, will go no higher than an Information for publishing a Libel; and all this, my Lord, is upon a Supposition that the Facts are true which have been sworn by *Lynch*: But on the other Hand, there are so many unaccountable Circumstances in the Relation, that an Affair of that Consequence should be transacted in such a Place, in so short a Time, upon such an accidental Bait; when one of the Conspirators was either gazing at the Window, or running up or down Stairs the greatest Part of the while, and other Persons were continually going backwards and forwards into the Room, or within hearing every Word that pass'd there; we think it carries with it such an Air of Impossibility, that no reasonable Man can give Credit to it, much less convict a Person of so great a Crime upon such Evidence.

But suppose what pass'd at the *Green Man* (which I am very far from admitting) shou'd be adjudged an Overt-Act of High-Treason: How is it prov'd? Only by one Witness; one single Witness to the Fact in this County! The Law requires two Witnesses to convict a Man of High-Treason, and that the Jury shou'd be return'd out of

of that County where the Facts are laid, *de vicineto*; because the Law supposes them more consulant of the Circumstances of a Case which arises in their Neighbourhood: But if the Proof of one Overt-Act in the County where 'tis laid, by one Witness, shou'd be sufficient to let them in to prove other Acts, in distant Counties, or in Foreign Kingdoms, these fundamental Rules of Law wou'd be totally subverted: How is it possible for a Man to provide or defend himself against such an Attack? 'Tis springing a Mine upon him! Sudden and unexpected Ruin!

Mr. Attorney won't shew any Precedent, where it ever was allowed to be good, that one Witness might prove the Overt-Act in the County where it is laid, and that then they might give Evidence of Overt-Acts committed in any other County: If your Lordship is of Opinion against us in this Particular, then we must beg Leave to go farther, and observe upon the rest of the Witnesses they have called; not only to take off their Credit, but to contradict them in a great Measure.

My Lord Chief Justice having directed the Prisoner's Counsel to go on, Mr. Hungerford spoke in Manner following.

Since it is your Lordship's Pleasure that we should now go on, I shall proceed to make some Observations upon the rest of the Evidence given against the Prisoner out of the County of *Essex*. The Observations which I shall make will be in the general only, for I cannot descend to all the particular Instances; but the learned Gentleman who is joined with me, hath taken very exact Notes of the whole Evidence, and therefore what I omit, I am assured he will abundantly supply.

The second Witness produced against the Prisoner, is Mr. Plunket, whose Evidence I think ought to weigh but very little with any Judicature whatsoever. The Prisoner's meeting with this Man was very accidental in *Lincoln's-Inn-fields*, when they did not know each other, and yet they immediately entred into a Discourse of raising a Rebellion, and over-turning two Kingdoms; and that great Secret of knowing who was to be the General; tho' Mr. Lynch, after long Acquaintance with the Prisoner, could not get it out of him, yet it was communicated to the eminent Witness Mr. Plunket at the first Interview, with an Addition of mentioning the Names of two very great Men more, the Earl of *Strafford*, and General *Widd*, as well affected to the Undertaking: But that noble



noble Earl's and great General's Services to their Country are too well known to be blemished by such an incredible Evidence. After some Discourse betwixt the Prisoner and *Plunket* about the Undertaking, in which there was an Incident of another Nature, whether the *Lutheran* Religion were preferable to the *Papish*; and after (as *Plunket* says) the Prisoner had communicated to him an Intention of invading the Kingdom by some Persons from abroad, the Prisoner, in a very great Fit of Bounty presents Mr. *Plunket* with the Sum of half a Crown. This Relation seems to be so improbable, and, in Truth, is delivered (or rather stammered out) in so wretched and incoherent a Manner, that I believe that no one that heard it, believes a Word of it.

The Truth is, the Scheme it self seems rather to be a Chimerical Plan of some crazy-pated Politicians, than a solid Project of any Men of Sense, or in their Wits. What Undertaking can there be so improbable, as that laid down by this Scheme, *viz.* Seizing the General of the Army, seizing the *Tower*, seizing the *Exchange*, and seizing the Bank of *England*; and all this with a Force which do not appear to consist of above three or four Men? And for Money, the Sinews of War, there seems to be no great Stock of that; *Plunket* hath about Half a Crown at one Time, and Half a Guinea at another; for as to the Guinea *Jeffreys* gave him, it doth not affect the Prisoner. Mr. *Lynch*, indeed, who seems to be a Man of greater Weight, upon his frequent repeating himself to be very uneasy, got about seven or eight Guineas. I mention these Things, Gentlemen, of the Jury, to shew how improbable this Part of the Evidence is of itself, and we hope to make it appear to you to be the more so, by the Evidence we shall produce to the Reputation of the Witnesses.

As to the Papers of all Kinds produced as Evidence against the Prisoner, we hope he cannot be affected by them, none of them being proved to be of his Hand-Writing; as to the Arms found in the Prisoner's House, they are no more than what Gentlemen usually have for the Defence of their Family, or their Recreations; and as for being at *Rome*, it is admitted that that Evidence is not given as a Fact of High-Treason; so ought not to be consider'd as any Ingredient in the Prisoner's Guilt: As to the Prisoner's endeavouring to escape, it is no Evidence of the Prisoner's Guilt; I do not enter into the Consideration, whether the Custody of a Messenger is a legal

legal Prison, or no; but there is hardly a Man that is under any Confinement at all, but would willingly escape into Liberty: Besides, the Prisoner hath suffer'd already for that Offence, if it be one; he hath been put into Irons, and his attempting to escape is the only Reason that is assign'd for it.

There was something spoke in the Introduction to this Accusation which was very remarkable, *viz.* That it was a Design, if it had took Effect, that would have engag'd the whole Nation in Blood, and would have destroy'd our Civil and Religious Rights: We who are of Counsel for the the Prisoner, have as great an Abhorrence of a Thing of that Nature as any Men can have: But yet we hope, that Mankind is not to be led away with Shew and Colour, but to be guided by Reason and Matters of Fact. Is it possible that People could have been rais'd into a Rebellion by a Proclamation which was never publish'd, but by Mr. Lynch's reading two or three Lines of it? And which, by Mr. Lynch's own Evidence, (which I forgot to remark before) was imperfect; for he says, that the Prisoner told him he intended to put in the Pretender's Name, which it seems was not then done; and therefore what was produc'd, was at the utmost an imperfect Piece only. ——— Or that the Prisoner at the Bar, a Man of Gentleman-like Family indeed, but of no great Figure or Estate in the World, and having no Dependents or numerous Acquaintance, having no Provision of Men, Arms, or Ammunition, should, with the Assistance only of a Bundle of Papers, and of Mr. Lynch and Plunket, overturn and enslave this Kingdom. God be thanked, the Protestant *British* Government is not so easily to be brought to Destruction: They might much sooner, (and yet I think that very difficult too) have borrow'd 100,000*l.* of the Bank of *England*, upon the blind Notes which they have produc'd, sent by Sir William Ellis, than have brought about a Revolution in this Kingdom with such Materials as they seem to be possess'd of.

These Things therefore, my Lord, I urge, are Circumstances which render all, or the greatest Part of the Evidence given, very improbable.

I shall close the whole with two Paragraphs of a Speech made by one of your Lordship's Predecessors, my Lord Chief Justice *Scroggs*, sitting in the same sacred Seat of Justice, where your Lordship sits: The Words are these:

*If*

**I**F once our Courts of Justice come to be aw'd or sway'd by vulgar Noise, and if Judges and Juries should manage themselves so, as would best comply with the Humour of the Times, 'tis falsely said, that Men are try'd for their Lives or Fortunes; they live by Chance, and enjoy what they have as the Wind blows, and with the same Certainty.

Let us pursue the Plot, a-God's Name, and not baulk any Thing, where there is Danger or Suspicion upon reasonable Grounds; but not so overdo it, as to shew our Zeal, we will pretend to find what is not; nor stretch any Thing beyond what it will bear, to reach another.

Mr. Ketelbey having begg'd Leave to go on where he left off with Mr. Lynch's Evidence, spoke as follows: All Plunket saith, was in *Middlesex*, but whether he is a credible Witness, you shall hear by and by. I cannot but take Notice of one Thing which is unaccountable in his Evidence, and renders it impossible to be true: He gives you an Account of a Letter which he receiv'd about ten Weeks ago; he is very positive as to the Words of the Letter, I ask'd him over and over again to it, he repeats it as such; when we examin'd him farther, it appears that he could neither write nor read; and how he came to remember so perfectly, when he could not write nor read himself, is very strange. Why, saith he, it was read over to me twice, and we have heard him repeat it three Times; and I appeal to the Jury, if any one of them can take upon him to repeat it again with that Exactness the Witness pretends to do.

Is it not equally strange, my Lord, that *Jeffreys*, a Man of Letters, the first Time he saw him, an ignorant common Serjeant in the Army, should immediately fall into Discourse with him about a Plot, and raising a Rebellion, as if he had before been intimate with him? So likewise he saith of *James Plunket*, the same Day, the first Day he came to him, he came to his own House, and there talked to him about this Affair; as if they had nothing else to talk of but Rebellion against the Government. And I submit it to your Lordship and the Jury, whether it is likely or possible that any Man of common Sense would subject himself to so dangerous an Affair to another that was an utter Stranger to him? But here he gives you an Account of two several Persons under the same Imprudence, the same Infatuation, *James Plunket*, and the Nonjuring Parson. Besides, there is a

manifest Contradiction in his Evidence; for at first, he said, that the nonjuring Parson told him his Name was *Jeffreys*, the first Time he saw him; and afterwards being cross-examin'd, he said, the first Time he knew his Name to be so, was upon the Receipt of his Letter, and finding the Name so subscrib'd.

The next Witnesses gave an Account of the seizing the Papers, and then *Mrs. Mason*. We ask'd her if those Papers had been seen by any Body since she had them, and whether she had shewn them, or any other Papers, to Sir *John Meers*, or any of his Servants? She positively denies it, and saith, they were not.

I don't know whether these Papers were seen by any Body, for we have not one Word of 'em in our Briefs, and the very producing them is a Surprize to us; but we shall prove, that this Woman shew'd some Papers to Sir *John Meers*, or his Man; and that thereupon Notice was given; and the Papers soon after seiz'd: But whether these are they or not, I cannot tell. I observ'd before, upon the Evidence of *Mr. Delafaye*, *Mr. Stanyan*, and *Mr. Doyley*; and tho' your Lordship was of Opinion, that it was sufficient to have the Paper call'd the Scheme read, yet we hope, 'tis far from being a conclusive Evidence against the Prisoner, it not being found in his Custody; and we shall produce several who now are, and for many Years have been well acquainted with his Hand-Writing, who will give your Lordship their Thoughts of it. I believe, *Mr. Attorney* would not have endeavour'd to call Witnesses, that it was sign'd by him, and was his own Hand-Writing, if he had thought it material; yet we hope, that when our Witnesses are heard, no Credit will be given by the Jury to it, as a Fact to charge the Prisoner. We shall give you an Account that *Plunket*, *Lynch*, and *Mrs. Mason*, who are the Persons chiefly concern'd in the Course of this Evidence, are of so scandalous and vile a Character, that no Regard at all is to be had to their Testimony. The most honest Men may mistake in their Evidence, as *Mr. Stanyan* is pleas'd to say; if he made any Mistakes, I am satisfy'd they proceeded from a Defect of Memory, and no Design, and he is certainly excusable; but as for the other three, *Lynch*, *Plunket*, and *Mason*, when you shall have heard Half what we have to say against them, I dare say they will not have the least Credit, tho' they had given a much more probable Evidence than they have done: But surely, as it is, their Evidence cannot have

have sufficient Weight with you, to prevail against the Life, Estate, and Family of the Gentleman here before you, and to fix a perpetual Stain upon him and his Posterity.

After this, the Prisoner's Counsel proceeded to call their Witnesses, and began with Mr. *Mackreth*, the Master of the *Green Man*, who upon Oath declar'd, that he did not know that Mr. *Layer* was ever in his House, and that he never saw him before in his Life. The very same was depos'd by his Wife, who being ask'd besides, if ever she heard any Thing of a Declaration, answer'd, she never heard any Thing of it in her Days. *John Paulfreeman*, a Servant to Mr. *Mackreth*, being also sworn, and ask'd, whether he remember'd any Thing of Mr. *Layer*'s being at his Master's House on the 25th of *August* last? Answer'd, he remember'd nothing at all of it; nor that he ever saw him before.

Then the Lord *North* and *Grey* being sworn, and desir'd to give the Court and the Jury what Account he had of *Lynch*, his Lordship spoke to this Effect.

My Lord, that Gentleman that goes by the Name of *Lynch*, I saw twice; he came twice to my House in *Essex*: I little thought that my having seen him twice in my House, should be the Occasion of my coming here in such a Manner. The Gentleman was wholly a Stranger to me, and I have never seen him since. As to myself, I cannot say I know any Thing of him personally. The only Thing I can say, is what he said of himself. It is a little hard for a Man of Honour to betray Conversation, what pass'd over a Bottle of Wine in Discourse; but since your Lordship requires it, I must submit. The chief of our Discourse was — He was represented to me as a Stranger newly come to *England*, and had a Mind to see my House and Gardens. He was introduc'd and brought there accordingly by Mr. *Layer*, and I receiv'd him civilly. In Process of Time, he told me the History of his Life, thus, That he was not a *Spanish* but an *Irishman*; and my Lord, I think, educated in the Camp, under an Uncle of his. He told, that when he was a Young Man, he had taken a great many Liberties. —

Here, his Lordship was interrupted, and told, he must not enter into Particulars, but only acquaint the Court with the Character, in general, which *Lynch* gave of himself to his Lordship; whereupon the Lord *North* and *Grey* spoke to the Effect following, *viz.* I don't know how to answer it, as to his giving a general Character of himself. Thus much I must say, I saw him twice.

The first Time he was brought down by the Gentleman at the Bar; the second Time he came, he was ill receiv'd; and I order'd it should be told him, that in Case he design'd to stay there, that I had no Room or any Lodging for him. As to particular Things, I don't care to speak of them. I shall be very sorry to say it, when it was said in my Company, and under my Roof.

His Lordship having said thus much, he desir'd that he might return to his Prison; and then the Counsel for the Prisoner went on with their Evidence, and *George Talbot*, *Mr. Winchman*, *James Darcy*, *Mr. John Blake*, *Mr. Collins*, *Mr. French*, *Mr. Kelley*, *Mr. Blake*, *Terry*, and *Mr. Hamilton* declar'd upon Oath, that *Mr. Stephen Lynch* (the principal Witness against the Prisoner) had been so extravagant, that he had brought himself to Necessity by it; that he kept very infamous Company, was a Man of a vile and bad Character; not to be believ'd; and that he marry'd two Wives. *Mr. Blake*, a Gentleman of the *Middle-Temple*, depos'd, in particular, that going to see *Mr. Lynch*, on Account of Money lent him, when he was taken up in *Manchester Court*, *Lynch* began to talk of the Lord *North* and *Grey*, and the Lord *Orrery*, and *Mr. Layer*; that the latter he believ'd he should hang; but as to the two Lords, he knew nothing of them. That he knew nothing of *Layer*, but what he had from himself. That his Circumstances were very poor, and the Motive that induc'd him to do this, was to save the Lives of a thousand People. That this Deponent ask'd *Lynch* freely for his Money; as also ask'd him, how he got Money and several fine Clothes which he had? To which *Lynch* answer'd, that a Lady us'd to come twice or thrice a Week to visit him, and this Lady was the Mistress or Daughter of one of the cheif Ministers of *England*! He would have gone on in this Story, but was interrupted.

Then the Counsel for the Prisoner call'd other Witnesses to invalidate *Plunket's* Testimony; and *Mr. Thomas Brown*, and *Mr. Keating* declar'd upon Oath, that he had a very bad Character; that he was a drunken, idle Fellow; that he always kept Company with other Women; and that there was no Credit to be given to him. Sir *Daniel O'Connell*, who was also examin'd on Oath, having added, *He would not take his Evidence to hang a Dog*: *Mr. Hungerford* said thereupon, *And here he attempts to hang a Protestant!* However it appear'd by the Deposition of the next Witness, *Mr. Thomas Spelman*, that there had been a Dispute between *Plunket* and Sir *Daniel O'Connell*, about a Horse, and that

that he desir'd the Lawyer to sue Sir *Daniel*. After this, Mr. *Barnwell* (a Soldier of eighty Years of Age) depos'd, that he brought *Plunket* to be acquainted with Mr. *Layer*; that Mr. *Layer's* Goods being seiz'd wrongfully, he sent *Plunket* to the *Savoy*, for two Soldiers, who turn'd the Bailiffs out of the House: Upon which, Mr. *Layer* gave him half a Crown. That about eight Months before, *Plunket* told this Deponent, he had met Mr. *Layer* in *Lincoln's-Inn Fields*, and that Mr. *Layer* did not know him; but upon *Plunket's* saying, he was one of those that serv'd him at such a Time, and had given half a Crown; then Mr. *Layer* remember'd him, and gave him half a Crown, in Kindness for the Service he had formerly done him, in turning the Officers out of his House. To this Purpose, *John Richmond*, Servant to Mr. *Layer*, depos'd, that in Discourse with *Plunket*, he ask'd him, if he had ever receiv'd any Money of Mr. *Layer*, for the Use of the Pretender? Upon which, *Plunket* kneel'd down upon his Knees, and struck himself upon his Breast, and said, he had never receiv'd any Money of Mr. *Layer* for the Use of the Pretender in his Life-Time.

After this, Mr. *Layer's* Counsel call'd and examin'd several Witnesses to Mrs. *Mason's* Reputation and Character; and Mrs. *Clayton*, Mrs. *Pierce*, Mr. *Wilkinson*, Mr. *Dyer*, Mr. *Baskett*, Major *Barnwell*, and Mr. *Lebatt* depos'd that Mrs. *Mason* (who also went by the Name of *Buda*, *Bevan*, &c.) got her Living by deluding young Women, and carrying them about for Money; which was readily agreed to be a Bawd: That she was a vile infamous Woman, that did not care what she said or what she did. That she robb'd Mr. *Dyer's* Shop, who sent her to *Bridewell*; and that she would take any Body's Life away, for the Value of a Farthing.

In the next Place, the Prisoner call'd and examin'd several Witnesses, as to the Fire-Arms, he had in his House; and Mr. *Bowers*, a Gunsmith, depos'd, that Mr. *Layer* having a Note of his for six Pounds, he importun'd him to take a Carbine, for a Man to ride with, and a Blunderbuss for his House, in order to set off this Debt. And Mr. *Samuel Stewart* swore, that Mr. *Layer* was intrusted with great Sums of Money, put out on Mortgages, to the Value of thirty or forty thousand Pounds, within these two Years: Whereupon, Mr. *Layer* ask'd, Whether it was not reasonable that he should have those Arms to guard his House?

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The same Deponent (*Mr. Stewart*) being afterwards shew'd the Scheme in Question, and ask'd, if he believ'd it to be *Mr. Layer's* Hand? He answer'd in the Negative, and that *Mr. Layer* wrote a shorter Character: *Mr. Bennet*, *Mr. Layer's* Clerk, on the other Hand, depos'd, that he had seen him write a thousand Times, but never saw him write such a Hand as this, (the Scheme found in the Bundle of Papers) and that he believ'd it to be his own (this Deponent's) Hand-Writing; and that he wrote it by *Mr. Layer's* Direction, but being ask'd for what Purpose? He answer'd, he could not remember.

Hereupon, the Counsel for the Prisoner said, they apprehended, they had prov'd this Scheme not to belong to *Mr. Layer*. That the Main of the Charge against him was, that he was concern'd in designing to raise an Insurrection: But whatsoever Desolation and ill Consequences might have ensu'd, it must be allow'd, that there has been no Blood shed, no Armies rais'd, or Invasion attempted; and therefore they thought, upon such Evidence as not came up to the Charge of the Indictment, the Blood of this Gentleman ought not to be reach'd, at least they humbly hop'd it should not.

Then *Mr. Layer* spoke in his own Defence, to this Effect: My Lord, as to *Lynch*, it appears, our going down into *Essex* was merely accidental; when we came to the *Green Man*, we did not stay there three Quarters of an Hour; and he says, he went down twice in the Time. All this mighty Business, this publishing a Declaration, talking of an Insurrection, which is the Treason, and laid as an Overt-Act in *Essex*; all this was done before Dinner by his own owning. It was not three Quarters of an Hour, from the Time we went in till the Time we came out. We went on to the Lord *North* and *Grey's*: and when he was there, he was ask'd, if there was any Discourse there, about any such a Design? He says, there was nothing said of it there. Is it possible, when such a Design was on Foot, he and I alone should go together to the *Green Man*, and thorowly recapitulate the Affairs; which when we came to my Lord *North* and *Grey's*, nothing should be said of it?

When we come to *Plunket*, he said, he became acquainted with me first of all, by Reason of some Goods that were seiz'd in a House in *Queen-Street*; That he never saw me till five Years after this, in *Lincoln's-Inn Fields*. *Plunket* did not at first know me: We looking upon one another, then he renew'd his Acquaintance with me, and told me of the former Service he had done me; and thereupon



thereupon, I gave him half a Crown, which, he said, was given him by me to list Men into the Pretender's Service.

He confess'd, as I prov'd by Major *Barnwell*, that I gave it him for former Service. As to the thirteen Shillings, he was ask'd, whether he did not come to borrow such a Sum of Money of me? He said, he did; it was in order to release Major *Barnwell* out of the *Marshalsea*. Being ask'd, whether he was not acquainted with Sir *Daniel O-Carrol*, and whether there was not some Difference about a Horse in *Spain*, between them, he said there was, and that he came to advise with me; whether he could recover the Money of Sir *Daniel O-Carrol*. Is it not natural, that the Guinea he talks of, might be another Man's Money, that was told him by one *Jeffreys*, was sent to him by me? He talks to him as to that Guinea, when he comes to be ask'd, whether it was not purely out of Kindness and Charity, that I did lend him that Guinea; he doth not deny it, and now would insinuate that it was given him to list Men for the Pretender. From the Improbability of the Thing, from his own owning, no Person could believe him. I believe, there are ninety-nine out of a hundred, that cannot believe one Word that either *Lynch* or *Plunket* swore.

Then the next Matter they talk of, they produce a Scheme: How hard and difficult was it to give any Evidence, that so it should be ready; and I humbly apprehend it did not strictly amount to legal Evidence. Mr. *Doyley*, he said he knew my Hand fourteen or fifteen Years ago, and that he hath receiv'd Letters from me about five Years ago, and hath compar'd this Scheme with those Letters, and therefore he believes it to be my Hand. When he comes to be ask'd, whether he hath those Letters here, with which he compar'd this Scheme? No, *I have them not here*: Yet chiefly his Belief was, that it was my Hand-Writing, by comparing these Letters and this Scheme together. This amounts to nothing more, when it comes strictly to be consider'd, than only a Similitude of Hands; and surely Similitude of Hands, with Submission, is not Proof in criminal Cases: And when it amounts to no more, it ought not to be receiv'd.

Here is, say they, a Circumstance that what *Lynch* and *Plunket* swore must be true, because there was a Scheme for an Insurrection. In this very Scheme or Paper, as I took Notice of, not one Man is mention'd by Name in it, only Soldiers to be had here; the Tower to be seiz'd; the

the Bank and the Exchange to be seiz'd; and the World to be turn'd upside down: But by whom? There is no Time mention'd, there is no Date to it. This Thing, if it be such a Scheme, if it had been written by me, which I absolutely deny that it was writ by me, it doth not appear but that it was written several Years ago. When they come to ask those Gentlemen, the Under-Secretaries, if this be so remarkable, that they lay the whole Stress upon this Paper, whether I acknowledg'd it to be mine, they could not say I own'd it to be mine. One of the Lords lays his Fingers on a Paper, and saith, *Don't you say this about Arms?* Which I deny to be so. How comes it that none of those Lords directly offer'd the Paper to me, and ask'd me, *Is this your Hand-Writing?* There was my Lord Chancellor, my Lord Harcourt, and several other Lords present, that very likely, would have ask'd that Question: but either they did not think it material, or they had not the Paper there, or they did not think it of that Consequence, or they knew I would deny it.

When we come to call Witnesses to this Woman, this vile, this infamous Woman, I could shew you she hath been privy to Forgeries. If it was not to take your Lordship's Time, I could shew that this is a Contrivance between a Gentleman and her, I am very loath to name him, to carry on such a Paper as this to get Money of the Government.

Here have been five or six Witnesses, whose Credit stands unimpeach'd, who tell you, her Word is not to be taken for a Groat. Another says, he would not hang a Dog on her Evidence: This Scheme must come from her: She says, she had two Bundles of Papers that were deliver'd by me to her, seal'd up, and she says, this Scheme was amongst them; and she can the better swear it, because she hath set her Mark upon it. One of the Messengers doth not know whether she was in the Room, or no. If this Woman is not to be believed, then all the other Evidence relating to this Paper, falls to the Ground. It is a Maxim in Reason as well as Law, *Take away the Foundation, and the Work must fall.*

Gentlemen of the Jury, I would have you take Notice of this Evidence, and not go away with a mistaken Notion, because here is a vast deal of Talk about the Pretender, going to Rome, lifting of Soldiers for the Pretender's Service, &c. Your Lordship will tell them all that is nothing, unless they believe an Overt-Act to be done

done in *Essex*: That is the true State of the Case, with humble Submission. Therefore I hope such Evidence as this Evidence of *Lynch* and *Plunket* (but only to confine it to that of Mr. *Lynch*) hath prov'd nothing at all against me; and if what he hath sworn doth not affect me, then all the other stands for nothing; that's the true State of the Case. I would not have the Jury think a Man is to be hunted out of his Life by fine Speeches, far-fetch'd *Inuendo's*, and the like. You will consider the Character of this Man, that he is not to be believed. I'll leave it to you, and I hope God Almighty will direct you. I ask you no more than Justice. If a Man's Life is to be taken away by such scandalous Evidence as hath appeared against me, there is an End of your Liberties, your Wives may be taken from you, your Children made Slaves, and all that is valuable to you, your Lives and Estates will be but very precarious.

Mr. *Laver* having done speaking, Mr. Solicitor-General made a long Speech, (that lasted about two Hours) wherein he summ'd up the Evidence, and fully reply'd to the Objections that had been made on the Behalf of the Prisoner, both by the Prisoner himself, and his Counsel; and in Close of all, call'd some Witnesses to support the Credit of Mr. *Lynch* and *Matthew Plunket*: After which, my Lord Chief Justice with great Candour and Exactness, recapitulated the Substance of the whole, and gave Directions to the Jury, who being withdrawn for about half an Hour, to consider of their Verdict, when they return'd into Court, brought in *Christopher Laver* guilty of the High Treason whereof he stood indicted.

The following Proclamation is inserted as an History of a very extraordinary Adventure.

*By the King a Proclamation.*

GEORGE R.

**W**HEREAS by an Act of Parliament made in the First Year of the Reign of our Royal Predecessor King *Henry VII.* (entitled, *An Act for shewing the Penalty for Hunting in the Night, or with Disguising*) reciting, That forasmuch as before that Time, divers Ordinances and Statutes had been made in divers Parliaments, for the Punishment of inordinate and unlawful Huntings, in Forests, Parks, and Warrens, within this Realm: Notwithstanding which Statutes and Ordinances, divers Persons in great Numbers, some with painted Faces, some with Visors, and otherwise disguis'd, to the Intent they should not be known, riotously, and in

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Manner

Manner of War array'd; had oftentimes then of late, hunted as well by Night as by Day, in divers Forests, Parks, and Warrens, in divers Places of this Realm; by Colour whereof, had ensu'd great and heinous Rebelions, Insurrections, Riots, Robberies, Murders, and other Inconveniencies; which Offences in certain Cases in the said Act specify'd, are thereby declar'd to be Felony; and that if any Person or Persons should thereafter be Convict of any such Huntings, with painted Faces, Vifors, or otherwise disguis'd, to the Intent they should not be known, or of unlawful Hunting in the Time of Night; that then the same Person or Persons so Convict, should have like Punishment, as he or they should have, if he or they were Convict of Felony. And whereas we have receiv'd Information upon Oath, that in Defiance of the Act before recited, and of several other Statutes and the Laws of this Realm, which provide severe Punishment for such Offenders, great Numbers of disorderly and ill-designing Persons, having of late associated themselves under the Name of *Blacks*, and being arm'd with Swords, Fire-Arms, and other offensive Weapons, to the great Terror of our Subjects within the Counties of *Berks* and *Southampton*, and other Places, several of them in disguis'd Habits, with their Faces blacked, have entered into our Forests, broke into the Parks and inclos'd Grounds of several of our good Subjects, and kill'd and carry'd away Deer, some belonging to our selves, and several to our said Subjects; that some of the said Persons have rescu'd by open Force, Offenders from the Constables, into whose Hands they have been committed by our Justices of the Peace, and have frequently sent menacing Letters to Gentlemen, Owners of Parks, and to their Keepers, demanding Venison and Money to be sent them to certain Places therein appointed, and threatening, in Case of Failure of Performance of their illegal Demands, to murder the Persons to whom they sent such Letters, or to burn their Houses, Barns, and Hay-Stacks; and that some of them have actually assaulted several Persons with the utmost Violence, shot at them in their Houses, maim'd their Horses and Cattle, broke down their Gates and Fences, and cut down Avenues, Plantations, and Heads of Fish-Ponds, and robb'd them of their Fish. To the Intent therefore that a Speedy and effectual Stop may be put to all such outrageous Practices, we have thought fit, by and with the Advice of our Privy Council, to issue this our Royal Proclamation, hereby strictly charging and commanding all our Officers and

and Ministers whatsoever, and all other Persons whom it may concern, to take Care, that the Laws against such illegal Practices be put in Execution with the utmost Rigour: And we do hereby charge and require all our loving Subjects, of what Degree or Condition soever, not to aid, assist, harbour, or protect any such Offenders; but on the contrary, to use their utmost Endeavours to oppose and resist all Persons concern'd in such unlawful Attempts, and to use their utmost Endeavours to discover, seize, apprehend, and bring before the next Magistrate or Minister of Justice, such Person or Persons, that are or shall be guilty of any of the Offences aforesaid. And for the Encouragement of all Persons to be diligent and careful in endeavouring to discover and apprehend all the Offenders abovemention'd, we do promise and declare, that whosoever shall discover and apprehend any of the Offenders aforesaid, or who shall discover and apprehend any Person or Persons, who, at any Time hereafter, shall commit the like Offences, in Manner as aforesaid, or their Aiders or Abettors, so as such Person or Persons be convicted of the same Offences, shall have and receive, for every one of them so apprehended and taken, and convicted as aforesaid, the Sum of 100 *l.* Sterling; which said Sum of 100 *l.* for every one of them, the Commissioners of our Treasury are hereby requir'd and directed to pay accordingly: And if such Person so discovering and apprehending, shall have been an Accomplise with any of the said Offenders, and by Reason thereof stands in Need of our most gracious Pardon, we do hereby further declare, that such Person shall have our most gracious Pardon. And to the End that none of our loving Subjects may, through Ignorance, subject themselves to Prosecutions, we do hereby give Notice, that all Persons whatsoever, who shall aid and abet, or encourage any of the said Offenders in the said Offences, or shall harbour, protect, or conceal them, in order to prevent their being brought to Justice, will thereby make themselves Partakers of their Crimes; and that in such Cases, they shall be prosecuted with the utmost Severity of Law.

*Given at our Court at St. James's, the 2d Day of Feb. in the 9th Year of our Reign. God save the King.*

On Tuesday, Dec. 11, his Majesty in Council was pleas'd to appoint the following Sheriffs for the Year ensuing.

Berks,	Walter Tyrrel of Standford in the Vale, Esq;
Bedford,	Robert Abbott, Esq;

Bucks;

Bucks,	<i>John Fulker, Esq;</i>
Cornwal,	<i>Richard Polwheele of Polwheele, Esq;</i>
Cantab. and Hunt.	<i>Church of Shelford, Esq;</i>
Chester,	<i>Sir Thomas Aston of Aston, Bart.</i>
Cumberland,	<i>Peter Brougham, Esq;</i>
Devon,	<i>Hugh Stafford of Pynes, Esq;</i>
Dorset,	<i>Richard Henvill, Esq;</i>
Derby,	<i>Henry Eyre, Esq;</i>
Ebor,	<i>Sir William Wentworth, Bart.</i>
Essex,	<i>Josias Kinsman, Esq;</i>
Gloucester,	<i>Thomas Warner, Esq;</i>
Hereford,	<i>Thomas Carpenter of Ham, Esq;</i>
Hertford,	<i>Thomas Kemish of St. Albans, Esq;</i>
Kent,	<i>William Glanvill, Esq;</i>
Leicester,	<i>Francis Edwards, Esq;</i>
Lincoln,	<i>Sir John Thorold, Bart.</i>
Monmouth,	<i>John Jones, of Ponty Gaytree, Esq;</i>
Northumb.	<i>Robert Mitford, of Mitford, Esq;</i>
Northampton,	<i>Edward Hutchinson, Esq;</i>
Norfolk,	<i>Gresham Page, Esq;</i>
Nottingham,	<i>James Bancks, Esq;</i>
Oxford,	<i>Benjamin Sweet, Esq;</i>
Rutland,	<i>Francis Browne, Esq;</i>
Salop,	<i>Wm. Cludd of Orleton alias Oroton, Esq;</i>
Somerset,	<i>Walter Robirson of Henton Abbey, Esq;</i>
Southampton,	<i>James Venables, Esq;</i>
Stafford,	<i>Henry Goring, Esq;</i>
Suffolk,	<i>John Boggas of Finborough Magna, Esq;</i>
Surrey,	<i>John Neale, Esq;</i>
Sussex,	<i>John Mittel of Waldron, Esq;</i>
Warwick,	<i>Thomas Webb of Sherborn, Esq;</i>
Worcester,	<i>Francis Sheldon, Esq;</i>
Wilts.	<i>Raúse Freke, Esq;</i>
	South-Wales.
Brecon,	<i>Henry Rumsley of Crickhowell, Esq;</i>
Carmarthen,	<i>Francis Price of Lanedy, Esq;</i>
Cardigan,	<i>James Griffiths of Noyath, Esq;</i>
Glamorgan,	<i>Edward Evans of Eaglebush, Esq;</i>
Pembroke,	<i>John Lort of Prickeston, Esq;</i>
Radnor,	<i>Giles Whitehall of Presteign, Esq;</i>
	North-Wales.
Anglesea,	<i>William Owen of Penrhos, Esq;</i>
Carnarvon,	<i>Thomas Rowlands of Nant, Esq;</i>
Denbigh,	<i>Thomas Hughes of Northop, Esq;</i>
Flint,	<i>George Wynn of Mould, Esq;</i>
Merioneth,	<i>David Lloyd, of Kernbodig, Esq;</i>
Montgomery,	<i>Robert Philips of Salop, Esq;</i>
	F I N I S.

# THE Historical Register.

NUMBER XXX.

WEST-INDIES.

TOWARDS the End of *January* last, we receiv'd the following Accounts from the *West-Indies*.

*St. Christopher's.*

*The Speech of his Excellency John Hart, Esq; Captain-General and Governor in Chief in and over all his Majesty's Leeward Charibbee Islands in America, to the Council and Assembly of St. Christophers, Nov. 7, 1722.*

*Gentlemen of the Council and Assembly,*



ON my Arrival, I had the Honour to signify his Majesty's Pleasure that your Laws should be revis'd; But as I find there is not that Progress made as I hop'd would have been, in so useful and necessary a Work, I must again recommend to you to give the necessary Dispatch to it, that you and your Posterity may reap the Benefit thereof.

The Honour and Safety of this Island depending so much on the Publick Credit, it will deserve your earnest and constant Attention, to see that a proper Application is made of those Funds which are rais'd by you, and that are employ'd to those Ends only for which they are design'd. On my Part, I shall not be wanting in what is incumbent on me, and shall always be ready to promote what may be further advisable for the better Security and Establishment of your Credit.

Besides the Obligations of Duty, Affection for this Island excites me to endeavour, that the poorer Inhabitants

bitants should have all imaginable Encouragement to remain here, Numbers being undoubtedly the Strength, I may add the Wealth, of any Country. And, I hope, when this is duly weigh'd and consider'd, none will be found amongst you, who for any Consideration, will prefer his private Interest to the Publick Good, but that your own Justice and Prudence will render you so indulgent to your poor Neighbours, as to prevent any Cause of Complaint, or put them on thinking they can better themselves by removing to another Colony. I have the more Reason to hope, that you, Gentlemen, will vigorously contribute your Endeavours, to promote the Service of your Country in this Particular, by the Readiness you have shewn therein, in the late Act you have pass'd for the Encouragement of Artificers and Servants: And I must assure you, that as on the one Hand I shall pursue the Interest of his Majesty, in supporting the Poor in their just Rights, so on the other, I shall be far from encouraging them in any unjust or unreasonable Complaints, or taking from any Person, who is by his Majesty's Favour possess'd of a legal Grant, the Benefits which with any Justice they can hope to receive thereby.

*Gentlemen of the Assembly,*

I desire you will take into your Consideration the two Bills now lying before you, the one for enjoining Vessels coming from Countries infected with Pestilential Distempers, to perform Quarentine; the other, for regulating of Vestries, and for erecting *Basseterre* Quarter into a Parish.

*Gentlemen,*

I do earnestly recommend to you the Continuance of that Unanimity, with which you have hitherto proceeded from my first Meeting this Assembly; the happy Result of which, was the obtaining those good Laws you have the immediate Advantage of, and which, I have Reason to hope, by a Letter of the 14th of June, that I am honour'd with from the Right Honourable the Lords-Commissioners for Trade and Plantations, will be confirm'd to you.

The honourable Provision you have voluntarily made for my Support, leaves me wholly at Leisure, and entirely dispos'd to do the best Offices in my Power, for promoting the Welfare of *St. Christophers*; but that those Duties may be rais'd with all imaginable Ease to the People, I gave former Directions, and have again repeated them



them to the Treasurer, that all Persons shipping above 50 Tearces in any one Year, may at the End of it, pay the same in Bills of Exchange at the current Course.

*The humble Address of the Lieutenant-General and Council of St. Christopher's, to his Excellency John Hart, Esq; Captain-General and Governor in Chief in and over all his Majesty's Leeward Charibbee Islands in America.*

*May it please your Excellency,*

**Y**OUR Excellency ever since your Accession to the Government, has always reminded us of our own Good, and contributed your whole Power to that End; we cannot be so wanting to our selves as not to join in every Method that may tend to revising the Laws of this Island, strengthening the Publick Credit, and encreasing our Numbers, and to our being ever unanimous for the Service of his Majesty and this Colony.

The Provision this Island has made for your Support, was cheerfully and with Unanimity done; and we are still so convinc'd of your Excellency's true Inclinations to serve us, that we want but Power to give your Excellency greater Proofs of our Duty.

We return your Excellency our hearty Thanks for the renew'd Assurances you are pleas'd to give us of your Affection to this Island, and for the Manner in which you have directed the Duty on Sugars shipped to be receiv'd, and are with great Respect,

*Your Excellency's*

*Most obedient humble Servants,*

William Matthew,  
John Bourryan,  
Joseph Estridge,  
John Willett,  
Charles Nayne,  
William Mac-Dowall.

St. Christophers,  
Nov. 7, 1722.

*The humble Address of the Assembly of St. Christopher's to his Excellency John Hart, Esq; Captain-General and Governor in Chief over his Majesty's Leeward Charibbee Islands in America.*

*May it please your Excellency,*

**W**E his Majesty's most dutiful and loyal Subjects, the Assembly of St. Christophers, at Old Road assembled, beg Leave to return your Excellency our most hearty

heartly and unfeign'd Thanks for the Care and Concern you have express'd in the Speech, which you have this Day been pleas'd to make to us, for promoting the Happiness and securing the Interests of this Island.

Amongst the many Blessings deriv'd from his Majesty's Reign to us his remote Subjects, it is not one of the least that he has been pleas'd to appoint a Governor to preside over us, who hath not only Wisdom capable to discern, but likewise a Vigilance never to be wearied in intending the Publick Good.

This we have discover'd in your Excellency from the whole Series of your Conduct since you first took the Government upon you, as well as from your Exhortations of this Day; and we assure your Excellency that we shall pursue the several Matters you have recommended to us with a Zeal equal to the Importance of them.

The Preservation of all our Properties in Case of a foreign War, so visibly depends upon the Numbers which we can form to defend them, that we shall never be wanting to contribute our utmost Endeavours both in our publick and private Capacities, to encourage the poorer Sort of People, by all proper and reasonable Means to settle amongst us: This hath been our constant Aim; but at this Time we think our selves more especially call'd upon to be watchful in guarding this Part of our Security, when we find them invited by publick Declarations to desert us, and laid under Temptations to settle in other Colonies.

The Provision this Island has made to support the Honour and Dignity of the Representative of so good and gracious a Sovereign, as now sits upon the *British* Throne, has flow'd from Hearts fill'd with a just Sense of the Obligations we have to a Prince, to whom we, and all *Britain* owe the Preservation of all our Civil and Religious Rights: And as we think your Excellency has done all that can be expected on your Part to deserve it from us; so we are confident, that in providing a Fund for the Payment of it, we have had as great a Regard to avoid affecting the Poor, or the Trade of *Great Britain*, as in any that could be provided for it: And we have hitherto found that no Tax was ever paid with more Alacrity, or less Discontent from any Sort of People amongst us,

*Old-Read, Novem-  
ber 7, 1722.*

*Clement Crooke, Speaker.  
NEW.*

## NEW-YORK, &amp;c.

Their Excellencies the Governors of *New-York*, *Virginia*, and *Pensilvania*, have lately held a Congress at *Albany*, which is in the first of these Provinces, with the several *Sachims*, or Kings of the *Indians*; call'd the *Five Nations*, or *River Indians*; in which all former Leagues and Ties of Friendship have been renew'd between these Governments and the *Indians* who live in the remote Parts of these Colonies: The usual Pledges for the sacred Observance of Covenants, according to the *Indian* Custom, have been exchang'd to the mutual Satisfaction of both Parties, and the great Joy of those in particular, whose Settlements border nearest upon the *Indian* Dominions. Sir *William Keith* also, Governor of the last of these Provinces, has, since his Return from that Congress, met the Chiefs of the *Sasquehana Indians*, with whom the *Pensilvanians* are oblig'd to a more strict Correspondence than ordinary; and that Meeting has not only had the same good Effect with the former, but those *Indians* who have always liv'd in a State of Friendship with that Province, as a Proof of their Resolution to continue the same, and to evince the Pleasure it is to them to see the flourishing State and Growth of the *English* Planters, have resolv'd and agreed to remove back into the Woods, and leave a Tract of at least 100,000 Acres of Land, for the future Advantage of those who shall from Time to Time settle in that Country. The Commissioners for the Affairs of Trade and Plantations have receiv'd the following particular Account of what has been thus advantageously transacted in *North-America*.

*The Answer made by the Indians of the Five Nations, viz. the Maquase, Oneydes, Onnondages, Cayouges, and Sinnekaes, to the Propositions made by the Honourable Sir William Keith, Bart. Governor of Pensilvania, &c. in Albany, the 10th Day of September, Anno 1722.*

## P R E S E N T

The Honourable Sir William Keith, Bart. Governor of Pensilvania, &c.

Richard Hill, Col. John French, Esqrs. Members of the  
Isaak Norris, Andrew Hamilton, } Council of Pensilvania.

Col. Peter Schuyler, Evert Banker, } Esqrs; Com-  
Peter Van Brugh, Philip Livingston, } missioners of  
John Caylor, Joh. Bleecker, } the Indian Af-  
Hend. Hanse, John Collins, } fairs.

Interpreted by Lawrence Claese into Dutch, and rendred  
into English by Robert Livingston; Tanachaha being  
Speaker.

Brother Onas,\*

YOU told us in your Proposition some Days ago, that you were come a great Way to see us of the Five Nations; we thank you for your good Will to us, and are very glad to see you here in good Health; and we hope a good Understanding and Agreement will be made, and concluded between us.

You told us also, that you are come to renew the Covenant Chain that has been made between us so long ago, even at the first settling the Province of Pensilvania, and to brighten the Chain, and to remove and do away any Spot of Rust that may be grown upon it since our last Meeting and Conference at Conestogoe.

Brother Onas,

II. You have told us, that at that Time you brighten'd the Covenant Chain between us, that it might be clear and lasting as the Sun and Stars in Heaven: For which we thank you. And we being now all present, do, in the most solemn and publick Manner, renew the Covenant, and brighten the Chain made between us, that the Lustre thereof may never be obscur'd by any Clouds or Darknes; but may shine as clear, and last as long, as the Sun in the Firmament.

Brother

\* Which signifies a Pen in the Language of the Five Nations, by which Names they call the Governors of Pensilvania, since it was first settled by William Pen.

Brother Onas,

III. You have likewise told us, how *William Penn*, who was a good Man, did at his first Settlement of the Province of *Pennsylvania*, make Leagues of Friendship with the *Indians*, and treated them like Brethren; and that, like the same good Man, he left it in Charge to all his Governors who should succeed him; and to all the People of *Pennsylvania*, that they should always keep the Covenant and Treaties he had made with the Five Nations, and treat them with Love and Kindness. We acknowledge that his Governors and People have always kept the same honestly and truly to this Day: So we on our Part always have kept, and for ever shall keep firm Peace and Friendship with a good Heart, to all the People of *Pennsylvania*. We thankfully receive and approve of all the Articles in your Proposition to us, and acknowledge them to be good and full of Love: We receive and approve of the same with our whole Hearts, because we are not only made one People by the Covenant Chain, but we also are People united in one Head, one Body, and one Heart, by the strongest Ties of Love and Friendship.

Brother Onas,

IV. You desire there may be a perpetual Peace and Friendship between you and the Five Nations, and between your Children and our Children, and that the same may be kept as long as the Mountains and Rivers endure. All which we like well, and on our Part desire, that the Covenant and Union made with a clean and true Heart, between you and us, may last as long as the Sun and Moon shall continue to give Light. And we will deliver this in Charge to our Children, that it may be kept in Remembrance with their Children and Children's Children to the latest Ages. And we desire, that the Peace and Tranquillity that is now established between us, may be as clear as the Sun, shining in its Light, without any Cloud or Darkeness, and that the same may continue for ever.

Brother Onas,

V. We have well consider'd all that you have said, and like it well, because it is only the Renewing of former Leagues and Treaties, made between the Government of *Pennsylvania* and us of the Five Nations; which we always believ'd we were oblig'd to keep. And as to the Accident of one of our Friends being kill'd by some of your People, which has happen'd by Misfortune,

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and against your Will; we say, that as we are all in Peace, we think it hard, that Persons who kill'd our Friend and Brother should suffer: And we do in the Name of all the Five Nations, forgive the Offence, and desire you will likewise forgive it; and that the Men who did it, may be releas'd from Prison, and set at Liberty to go whither they please. And we shall esteem that as a Mark of Regard and Friendship for the Five Nations, and as a farther Confirmation of this Treaty.

Brother Onas,

VI. We say farther, We are glad to hear the former Treaties made with *William Penn*, repeated to us again, and renew'd by you; and we esteem and love you, as if you were *William Penn* himself. We are glad you have wip'd away and cover'd the Blood of our dead Friend and Brother; and we desire the same may be forgot, so as it may never be more mention'd or remember'd.

It is needless for us to answer every Particular of your Proposition, because we acknowledge the whole to be good and acceptable to us; especially your good Advice, which we will always remember: And in Testimony thereof, and as a full Confirmation of our Agreement, Consent, and Approbation of all that you have propos'd, and we have here said and promised, we lay down a few Beaver, Bear, and dress'd Deer Skins: And so concluded.

## J A M A I C A.

THE following is an Extract of a Letter dated the 13th of November, 1722, from *Port-Royal* in *Jamaica*, containing further Particulars of the terrible Storm which happen'd in that Island, of which, Account was given in the last Register, Page 7.

SINCE my last to you, the Affairs of this Island are alter'd infinitely for the worse. This Change has been made by a most terrible Storm, that happen'd the 28th of August last. The Damage which the Island has suffer'd by it, is too great to be easily repair'd again. Abundance of People have lost their Lives by it, in one Part or other of this Island: Some of them were dash'd in Pieces by the sudden Fall of their Houses; but the much

much greater Part were swept away by the terrible Inundation of the Sea, which, being rais'd by the Violence of the Wind to a much greater Height than was ever known before, in many Parts of the Island broke over its ancient Bounds, and of a sudden overflow'd a large Tract of Land, carrying away with an irresistible Fury, Men, Cattle, Houses, and, in short, every Thing that stood in its Way. In this last Calamity, the unfortunate Town of *Port-Royal* has had at least its full Share. And here I confess myself at a Loss for Words to give a just Description of the Horror of that Scene that we the Inhabitants saw before our Eyes, when the Terror of the Sea that broke in upon us from all Quarters, with an impetuous Force, conspir'd with the Violence of the Wind to cut off all Hopes of Safety from us; and we had no other Choice before us, but that dismal one of perishing in the Waters if we fled out of our Houses, or of being bury'd under their Ruins if we continu'd in them. In this fearful Suspence we were held for several Hours; for the Violence of the Storm began about Eight of the Clock in the Morning, and did not sensibly abate 'till between Twelve and One: Within which Space of Time, the Wind and Sea together demolish'd a considerable Part of the Town, laid the Church even with the Ground, destroy'd above 120 white Inhabitants, and 150 Slaves, besides ruining almost all the Store-Houses in the Town, together with all the Goods that were in them, which amounted to a considerable Value. We had at *Port-Royal* two very formidable Enemies to encounter at the same Time, *viz.* the Wind and the Sea. The Situation of the Place, it being on all Sides surrounded with the Sea, rendring it more expos'd than other Places to the Fury of that boisterous Element. Our only Defence against the Sea, consists in a great Wall run all along on the Eastern Shore of the Town; the Side where we apprehend most Danger. This Wall is rais'd about nine Foot above the Surface of the Water, and may be about six or seven Foot broad: And for these 20 Years past, for so long the Wall has been built, it has prov'd a sufficient Security to the Town. But in this fatal Storm, the Sea scorn'd to be restrain'd by so mean a Bulwark; for the Wind having, as I observ'd before, rais'd it very much above its ordinary Height, it broke over the Wall with such a Force, as nothing was able to withstand. Two or three Rows of Houses that were next to the Wall, and run parallel with it, were entirely wash'd away;

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away; among which was the Church, a handsome Building, and very strong; which yet was so perfectly demolish'd, that scarce one Brick was left upon another. A considerable Part of the Wall of the Castle was thrown down, notwithstanding its being of a prodigious Thickness, and founded altogether upon a Rock; and the whole Fort was in the utmost Danger of being lost, the Sea breaking quite over the Walls of it, tho' they are reckon'd to stand 30 Foot above the Water. This Information I had from the Captain of the Fort, and other Officers that were in it during the Storm, who all told me, that they expected every Minute to have the Fort wash'd away, and gave up themselves and the whole Garrison for lost. In the highest Streets of the Town, and those that are most remote from the Sea, the Water rose to between five and six Foot. And at the same Time the Current was so rapid, that it was scarce possible for the strongest Person to keep his Legs, or to prevent himself from being carry'd away by it. In these Circumstances, we were oblig'd to betake our selves to our Chambers and upper Rooms, where yet we ran the utmost Hazard of perishing by the Fall of our Houses, which trembled and shook over our Heads to a Degree that was scarce credible: The Roofs were for the most part carry'd off by the Violence of the Wind; and particularly in the House to which mine, and several other Families had betaken our selves, the Gabel End was beaten in with such a Force, that a large Parcel of Bricks fell quite through the Garret Floor into the Chamber where we were, and had they fallen upon any of us, must infallibly have beaten out our Brains: But God was pleas'd to order it so, as that not a Soul receiv'd any Hurt.

There was the Morning on which the Storm happen'd, a good Fleet of Ships riding in the Harbour of *Port-Royal*, most of which had taken in their full Freight, and were to have return'd Home in a few Days, had they not been prevented by this terrible Storm, which left but one vessel in the Harbour, besides four Sail of Men of War, all which had their Masts and Rigging blown away, and the Ships themselves, tho' in as secure a Harbour as any in the *West-Indies*, were as near to Destruction as it was possible to be, and escape it. But the most sensible Proof of the unaccountable Force of the Wind and Sea together, was the vast Quantity of Stones that were thrown over the Town-Wall; which,

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as I observ'd before, stands nine Foot above the Surface of the Water; and yet such a prodigious Number of Stones were forc'd over it, that almost an hundred Negroes were employ'd for near six Weeks together to throw them back again into the Sea; and some of these Stones were so vastly big, that it was as much as nine or ten Men could do to heave them back again over the Wall. I am sensible this Part of the Relation will seem a little strange; but yet I doubt not of obtaining your Belief, when I affirm it to you for a certain Truth. But *Port-Royal* was not the only Place that suffer'd in the Storm. At *Kingston* also, great Damage was done: Abundance of Houses were blown quite down, and many more were so miserably broken and shatter'd, as to be little better than none: Abundance of rich Goods were spoil'd by the Rain, the Warehouses being either blown down or uncover'd. But they had only one Enemy to encounter, viz. the Wind, and were not prevented by the Sea from forsaking their Fallings; and betaking themselves to the Savannahs, or open Fields, where they were oblig'd to throw themselves all along upon the Ground, to prevent being blown away; and yet even in *Kingston*, some Persons were kill'd; among whom was a very worthy Gentlewoman, the Wife of the Reverend Mr. May, Minister of the Town, and the Bishop of *London's* Commissary: She was kill'd by the Fall of their House, as she lay with her Husband under a large Table, who had also the Misfortune of having his own Leg broke. All the Vessels that rode in the Harbour of *Kingston*, which were between 40 and 50 Sail, were either driven on Shore, or overset and sunk. Abundance of the Men and Goods were lost, and one could not forbear being surpriz'd to see large Ships, with all their Lading in them, thrown quite up upon the dry Land. And nothing could afford a more dismal Prospect than the Harbour did the next Day, which was cover'd over with nothing but Wrecks and dead Bodies. At *Spanish-Town*, no Body indeed was kill'd, but a great many had very narrow Escapes, some Families having scarcely quitted their Houses before they fell down flat at once, without giving any Warning. The King's House stands indeed, but it is all uncover'd, and the Stables, Coach-House, &c. are quite demolish'd. The River, near to which the Town is situated, swell'd to such a Degree as was never before known; and I was assur'd by the Mini-

ster of the Place, the Reverend Mr. Scot, that it rose full forty Foot perpendicular above its ordinary Mark, and did incredible Damage to the Estates that lay bordering upon it. From other Parts of the Country we had also very melancholy Accounts of the great Losses they had sustain'd, and particularly at *Old-Harbour*, a Village built at a little Distance from that Shore, the Sea made such Haste to devour, as most unexpectedly to intercept many poor Creatures before they had Time to make their Escape; and almost 40. poor Souls perish'd together in one House, and whilst they only sought Security from the Wind, expos'd themselves to be destroy'd by the Sea, from which they apprehended no Danger. In *Clarendon* also, and *Vere* Parishes, great Mischief was done; in the latter, the Minister, Mr. *White*, had his Leg broke by the Fall of the House where he was, not to mention several Persons that were kill'd outright. But I should quite tire out your Patience, should I underake to give you a particular Account of the Damage that was done by the Storm in all Parts of the Island. It shall therefore suffice to say, that the Damage which the Trading Part of the Island has sustain'd by the Loss of their Shipping and Goods, is not to be valu'd; and on the other Hand, it is impossible to say how deeply the Planting Interest has shar'd in this common Calamity, by the Loss of their Dwelling-Houses and Sugar-Works, and many other Ways: And in short, had the Fury of the Storm lasted much longer, the whole Island must have been one general Wreck, and nothing but final and universal Ruin could have ensu'd. —

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*Proceedings of the Parliament of Great Britain continu'd from Page 50 of the last Register.*

ON the 21st of *January*, Mr. Speaker acquainted the House of Commons, that, pursuant to their Order, he did on the 25th of *December* last, give Notice in Writing, to the Bank of *England*, of the Resolutions of this House, to redeem several Annuities; and then the ingross'd Bill for continuing the Duties on *Malt*, &c. was read the third Time, pass'd, and sent up to the Lords. Mr. *Pulteney*, from the Committee appointed to examine *Christopher Layer*, having acquainted the House that upon their Perusal of the Papers relating to the said *Layer*, and on their Examination of him, frequent Men-

tion was made of one *James Plunket*, now in the Custody of one of his Majesty's Messengers: It was order'd, that the said Committee be impower'd to examine the said *James Plunket*, and resolv'd to address his Majesty for the Examinations and Papers relating to the said *James Plunket*. After this, Mr. *Farrer*, from the grand Committee on Ways and Means, reported a Resolution, which was agreed to, viz. That towards raising the Sum of 15000*l.* per Annum, for seven Years, for defraying the Charges of his Majesty's Mints, &c. the Act which was made in the first Year of his Majesty's Reign, for continuing Duties for encouraging the Coinage of Money, (so far as the same relates to the Coinage of Money) be farther continu'd for seven Years. Then the House took into Consideration the Amendments made in the Committee, to the Bill for explaining and amending the Laws relating to the Settlement and Employment of the Poor, which being agreed to, the said Bill was order'd to be ingross'd.

Jan. 22. Several Accounts and Estimates were laid before the Commons; as was also a Packet, of Papers relating to *James Plunket*, seal'd up, which were re-ferr'd to the Committee appointed to examine *Christopher Layer*, and others. Then Mr. *Gibbon*, from the Committee of Privileges and Elections, reported their Resolutions about the Election for the Borough of *Hertford*, in the County of that Name, which were agreed to; being in Substance, that *Charles Caesar*, Esq; was not, and that Sir *Thomas Clark*, Knight, was duly elected for the said Borough.

January 23. Mr. Speaker was order'd to issue his Warrant for a new Writ for the electing a Burgess for the Borough of *Liverpool* in *Lancashire*, in the Room of Sir *Thomas Johnson*, Knt. who had accepted the Office of Collector of the Customs in *Raxahamock River* in *Virginia*. Then upon a Complaint made to the House, that the Debates and Proceedings of this House were frequently misrepresented in written and printed News Letters and Papers, (commonly call'd *Minutes*) it was resolv'd, 1<sup>st</sup>, That no News-writers do presume in Letters or other Papers, that they disperse (as *Minutes*, or under any other Denomination) to intermeddle with the Debates, or any other Proceedings of this House. 2<sup>dly</sup>, That no Printer or Publisher of any printed News-Papers do presume to insert in any such Papers any Debates, or any other Proceedings of this House, or any Committee

Committee thereof. After this, Mr. *Gibbon*, from the Committee of Privileges and Elections, reported the Matter as it appear'd to them, touching the Election for the Borough of *Tamworth* in the County of *Stafford*, with their Resolutions thereupon, which being read a second Time, were agreed to, in Substance, as follows, viz. 1. That the Right of Election for the said Borough is in the Inhabitants, being Householders, paying Scot and Lot, and not receiving Alms. 2. That the Honourable *Francis Willoughby*, Esq; and *Richard Swinfen*, Esq; were, and that *Samuel Bracebridge*, Esq; was not, duly elected for the said Borough.

On the 24th of *January*, another new Writ was order'd for electing a Burgess for the Borough of *Saltsash* in *Cornwal*, in the Room of *Thomas Swanton*, Esq; deceas'd. And then, a Bill to continue the Duties for Encouragement of the Coinage of Money, and for the Relief of *William late Lord Widdrington*, was read the first, and order'd to be read a second Time. After this, Mr. *Sandys* reported the Resolutions of the Committee, to whom the Petitions of the *London* and *Bristol* Merchants, trading to *Virginia*, were referr'd, which Resolutions were agreed to, viz. 1. That great and notorious Frauds have been committed upon the Importation of Tobacco, in that Part of *Great Britain* call'd *Scotland*, by not duly paying the Customs thereon. 2. That great Quantities of Tobacco, on which the Customs have not been duly paid, have been brought by Land-Carriage and Coastways from *Scotland* into *England*, to the very great Prejudice of the Revenue, and great Loss and Damage to the fair Importers of Tobacco from *Virginia* and *Maryland*, into *England*. 3. That some speedy and effectual Remedy be provided to prevent the like Frauds for the future. 4. That a Bill be brought in for preventing Frauds and Abuses in the Tobacco-Trade. This done, the Call of the House was adjourn'd to that Day seve'nnight.

*Jan. 25.* The Ingross'd Bill for explaining and amending the Laws relating to the Settlement, Employment, and Relief of the Poor, was read the third Time, pass'd, and sent up to the Lords; and then a new Writ was order'd for electing a Knight of the Shire for *Northumberland*, in the Room of *Algernon Seymour*, Earl of *Hertford*, now Lord *Piercy*, (by the Death of his Mother the late Dutches of *Somerset*) call'd up to the House of Peers. Sir *John Eyles* having presented to the House a Report from the Trustees

Trustees of the South-Sea Company, the same was ordered to lie on the Table; and upon several Motions made by Mr. *Pulteney*, from the Committee appointed to examine Mr. *Layer* and others, it was order'd, that the said Committee be impower'd to examine Mr. *George Kelly*, and *Dennis Kelly*, Esq; Prisoners in the Tower of London, and resolv'd, to address his Majesty for the several Examinations and Papers relating to Mr. *George Kelly*, and such other Papers as relate to the Conspiracy.

This done, the Commons adjourn'd to the 28th of January, when Mr. *Oxenford*, from the Commissioners of the Customs, laid before the House several Accounts and Papers relating to the Importation of Tobacco, and the neat Produce of the Duties thereupon, which were refer'd to the Committee. The same Day, the King came to the House of Peers, with the usual State and Solemnity; and the Commons being sent for up; and attending, his Majesty gave the Royal Assent to the *Act for continuing the Duties on Malt*, &c. and to three private Bills.

Jan. 29. Mr. *Choke*, from the Exchequer, laid before the Commons an Account of the publick Debts, due, or standing out at *Michaelmas*, 1722. And then in a Committee of the whole House, they consider'd of Heads of a Bill for preventing Frauds and Abuses in the Tobacco-Trade; which Business took up afterwards several other Sittings.

The 30th of January, was observ'd as the Anniversary of the Martyrdom of King *Charles the First*, and the Commons being met the next Day, order'd the Thanks of their House to be given to the Rev. Dr. *Michael Stanhope*, for the Sermon by him preach'd before them at *St. Margaret's Westminster*: And the House agreed to the Resolutions of the Committee of Privileges and Elections, touching the Election for the Borough of *Warwick*, in the County of that Name, viz. 1. That the Right of Election of Burgesses for the said Borough, is in such Persons only as pay to Church and Poor in the said Borough. 2. That Sir *William Keyte* Bart. was duly elected for the said Borough.

On the first Day of February, a new Writ was order'd, for the electing a Burgess for the Borough of *Calne* in the County of *Wilts*, in the Room of *Benjamin Haskins Styles*, Esq; who being chosen for that Place, and likewise for the Borough of *Devizes*, in the said County, made his

his Election to serve for the latter. Then Mr. *Hungerford* reported from the Committee appointed to enquire into the Project commonly call'd the *Harburgh Lottery*, and all other foreign Lotteries now carrying on in the City of *London*, the Matter as it appear'd to them: Which Report being twice read, the House came to the following unanimous Resolutions, *viz.*

1. That the Project call'd the *Harburgh Lottery*, carry'd on in the City of *London*, is an infamous and fraudulent Undertaking; whereby several unwary Persons have been drawn in to their great Loss; and that the Manner of carrying the same on, hath been a manifest Violation of the Laws of this Kingdom.

2. That it appears to this House, that the Managers of, and Agents for the said Lottery, did frequently, without any Authority for so doing, make use of his Majesty's Royal Name, thereby to give Countenance to the said infamous Project, and induce his Majesty's Subjects to engage, or be concern'd therein. After which, it was order'd,

That a Bill be brought in to suppress the *Harburgh Lottery*, and to prevent any foreign Lotteries from being carry'd on in this Kingdom, and to oblige the Persons concern'd in the Management of the said *Harburgh Lottery*, to make Restitution and Satisfaction for the Money they have receiv'd from the Contributors to the said Lottery.

The Lord Viscount *Barrington* of the Kingdom of *Ireland*, appearing by the Report before mention'd, to have been one of the principal Agents and Promoters of the *Harburgh Lottery*, and being justly apprehensive of being censur'd, if the House should immediately take his Case into Consideration, his Lordship desir'd the House to allow him three Weeks Time to prepare for his Defence, alledging, that he had some material Papers at divers Places in the Country; but the House thought proper to adjourn the further Consideration of the said Report, only to the 14th of *February*.

The Commons did not think fit to order the Publication of the Report of the Committee about the *Harburgh Lottery*; But the Substance of the said printed Report is as follows, *viz.*

THat the Committee have with the utmost Diligence, endeavour'd to find out by what Authority, and by Virtue of what Instruments the said Lottery was erected, and to make the said Lottery, and the Management

ment thereof the more intelligible: But the Committee finding they should meet with great Difficulties in obtaining such Instruments; and the more, for that one of the Persons who, as they were inform'd, was capable of giving a material Account of the Creation of the said Lottery, was withdrawn; and the Committee being unwilling to enter into the Examination of any Instruments or Writings, which might be interpreted to be Part of his Majesty's *German Administration*, had contented themselves to lay only before the House the Scheme of the said Lottery itself, with some Remarks thereon, and the Examinations of Witnesses, *Viva Voce*, relating thereto.

That the Scheme proposes, that 1,500,000 *l.* Sterling, or 16,500,000 Guilders should be subscrib'd; and that it was to be drawn at *Harburgh*, in five Classes, 100,000 Tickets to be drawn in each Class, at 3 *l.* per Ticket; and that every Person subscribing, was to pay twelve Shillings, or six Guilders for each Ticket, before the drawing each Class of the said Lottery. That 200,000 *l.* of 300,000 *l.* in each Class was to be divided into Lots to the fortunate Adventurers, which amounts to 1,000,000 *l.* to be deducted out of the whole Sum, which was to be paid the fortunate Adventurers.

That it would be necessary, in order to inform the House how the other 500,000 *l.* was to be dispos'd of, to acquaint them with such Knowledge, as the Committee could gain of the Nature and Establishment of the Company, not being able to see the Instrument, by which it was granted. That it appear'd to the Committee, that a Sum of 1,000,000 *l.* was subscrib'd for, to carry on a Trade between *Great Britain* and his Majesty's *German Dominions*; and that 2 per Cent. was agreed to be paid in upon the Stock so subscrib'd, of which, a Sum of 13000 *l.* or more, was actually paid in Money, and 7000 *l.* or more was secur'd by Notes; 400,000 *l.* whereof was subscrib'd. At first, 100,000 *l.* Stock was sold at 15 *l.* 3 *s.* per Cent. of which, 2 per Cent. was only paid in to the Company, and the rest dispos'd of as follows, *viz.* 13 *l.* 3 *s.* per Cent. which amounted to 13150 *l.* 10000 *l.* of which was given to Mr. *Nicolai*, and 3150 *l.* to Mr. *Joules*, for their Services; and as to 1300 *l.* paid in Money, at 2 *l.* per Cent. for Stock, as aforesaid, in Money, and 7000 *l.* in Notes, the Committee could get no Account what was become of it, not being able to see their Books; nor could the Committee

learn what Number of Tickets had been deliver'd out, or what Money thereupon had been receiv'd, or what was become of what they had receiv'd.

That the Committee thought it necessary to lay this Matter before the House, to inform them what was to be done with the other 500,000 *l.* That in the first Place, 5 *per Cent.* upon 1,500,000 *l.* which amounts to 75,000 *l.* was to be deducted for Management; which being taken out of the said 500,000 *l.* leaves 425,000 *l.* which Sum was to be incorporated into the Stock of the first Company, and to make a Part of a Capital of 1,500,000 *l.* as they apprehended; of which they could get no positive Information. But whether the former Capital was intended to be so great, or only to consist of this 425,000 *l.* and the 1,000,000 *l.* which was before subscrib'd; it appear'd to the Committee, that a plain Fraud was intended in joining this real Sum with an imaginary Subscription; of which, 2 *per Cent.* only was paid in or secur'd, and that, probably, imbezil'd.

That in order to inform the House more fully of the Subject Matter of the Lottery, the Committee had thought fit to lay before the House the most material Parts of the Examinations themselves; which are as follow, *viz.*

Mr. *Benjamin Joules* inform'd the Committee, that he, the Examinant, had not the written Scheme of the *Harburgh* Lottery, for that Mr. *Ridpath* (who is Secretary to the said Lottery) has all the Writings and Accounts relating thereto, but that he has a Printed Copy of the Scheme of the said Lottery, (which he deliver'd to the Committee.) That in the sixth Article of a Charter for Commerce granted by his Majesty, as Duke and Elector of *Brunswick*; there is a Grant given for setting up a Lottery, which Grant the Examinant believes was made to several Gentlemen, in Trust, for the Benefit of the Examinant. That he has seen the Original Charter; that it bore Date about the latter End of *November*, 1720, and that it specifies the Lottery to be drawn at *Hanover*; that the Grant of the Lottery was made to the Examinant about this Time twelve-month.

That when Sir *Thomas Webster* propos'd to make the Examinant Recompence for his said Right in the Charter, as to the Grant of the Lottery, Sir *Thomas* said, that they were agreed to give the Examinant a Gratuity, and offer'd him 10,000 *l.* and he made Answer, he would leave



leave it to them, and did accept of the 10,000 *l.* for assigning his Right; which Assignment was made to several Persons in Trust for the Company. That there were five Classes in the said Lottery; and that he was to receive the 10,000 *l.* at five several Payments at 2000 *l.* each Payment; before the drawing each Class of the said Lottery. That the Payments of the Money is secur'd to the Examinant by Articles in Writing (bearing Date *October* the 16th, 1722, which he deliver'd to the Committee) under the Hands and Seals of the Persons to whom the Profits of the Lottery are convey'd in Trust for the Company, and that it appears thereby, that the Examinant was to be paid 10,000 *l.* as before mention'd. That it likewise appears by the Recital of the said Articles, that the Profits of the Lottery, which are purchased of him for the Sum before mention'd, were, by an Agreement made at *Hanover*, bearing Date *November* the 14th, 1720, *N. S.* previously granted to the said Examinant *Benjamin Joules*.

Being shewn one of the Tickets of the said Lottery, N<sup>o</sup> 17 M 211, to which the Examinant's Name is printed as Treasurer; said, that the Tickets were issu'd by his Privity and Consent; and that he believes, they are not deliver'd out numerically. That he is not Treasurer to the Trustees for the Lottery, for they act themselves as Treasurers alternatively in Manner following, *viz.* That there are two Iron Chests, and that two of the Trustees have each of them a Key, and the Secretary has another, and that the Trustees deliver over their Keys to the next that wait, and then they are answerable no longer. That the two Trustees and Secretary, when in waiting, had it in their Power to take out the Effects that were in those Chests. That there are twenty Trustees; but some of them are in *Germany*, and those that are here now are, Lord *Barrington*, Sir *John Hartopp*, *Charles-Frederick Krenbergh*, *John London*, *Piennes Harrison*, *Peter Hartopp*, *William Squire*, *Edward Richier*, *John Caswall*, *William Sterling*, *Benjamin Smith*, *Benjamin Burroughs*, *John Thompson*, *Henry Bendish*, ——— *Foster*, *Benjamin Joules*, *John Manley*.

That every one of the said Trustees have accepted the Trust (except Mr. *Manley*, Mr. *Henry Bendish*, and Mr. *Foster*) by signing the Counter-Part of the Assignment of the Lottery; but that, Lord *Barrington*, Sir *John Hartopp*, and Mr. *Henry Bendish*, never acted. That he believes, that all the Trustees he has nam'd, who have

asked, have had the Keys of the Chests. That there were to be printed 500,000 Tickets; that the Examinant believes most of them are printed, and that they were printed upon *Tower-Hill*; and that the Examinant believes Mr. *Billingley* did agree for the Printing them: That the Tickets were brought to the *York-Buildings* House, and locked up in the Iron Chests by the said Trustees, who deliver them out, and receive the Money for them: That he does not know what Number of Tickets hath been issued out, nor what Sum of Money receiv'd for Tickets deliver'd, for that he never saw any Account of it. That he believes, Mr. *Ridpath* keeps the Account of the Money receiv'd. That if the Lottery should take Place, the Stock would be worth 29 *per Cent*. That the whole Stock subscrib'd, is call'd 1500,000*l*. Stock; and that it was as large before the new Proprietors came in; that 2*l. per Cent*. is paid in upon 1,000,000*l*. in Money, 13000*l*. in Notes, 7000*l*. of which were paid to the Examinant, as Treasurer to the Company.

Being Examin'd by what Authority he was Treasurer? said, he was appointed Treasurer by the Charter of the King, and that his Name is in the Warrant of the King, as Treasurer. Being ask'd how he came to take Notes? declar'd, he receiv'd Orders from some of the Directors to take them; and that the Notes are some of their own. That the Notes are in the Custody of *Ridpath*, for that he (the Examinant) has accounted with the Company, and deliver'd the Account to the said *Ridpath*.

Mr. *George Ridpath*, Secretary to the Trustees for the *Harburgh* Lottery, being examin'd as to the Scheme of the said Lottery, said, that the Calculations of the Lottery agree with the Scheme that was approv'd by his Majesty. That there is a Power to erect a Lottery by the sixth Article of a Charter granted by his Majesty; that it was in order to clear the River *Elbe*; that he can't be positive, who form'd the Lottery; but that he heard, that Mr. *Billingley* form'd the Scheme of it. Being ask'd, who was the Person that first handed the Scheme to the Examinant, said, that he saw it in Company, but can't tell who brought it to the Company; that Lord *Barrington* and some others were then present, and that it did appear to have his Majesty's Sign Manual, and Seal of the Electorate, when it was first handed to the Company, as a Company; but that the Examinant, previous to that, saw the Scheme in the Hands of Mr. *Billingley*, whom

whom he takes to be the chief Projector; and that he is not certain, it was the same Scheme as is printed; and that then it neither had his Majesty's Sign Manual, nor Seal of the Electorate. That when this Scheme was projected, the Profits of the Lottery were Mr. *Joules's*, by an Agreement made at *Hanover*, for which he was to clear and deepen the *Elbe*; and that Lord *Barrington*, Sir *Alexander Cairnes*, Mr. *Nicolai*, Mr. Alderman *Baylis*, Mr. *Fiennes Harrison*, and Mr. *Mount*, made that Agreement with him, which was confirm'd by the Company, *Nem. con.* and is enter'd in the Minutes: That Mr. *Joules* petition'd his Majesty for an Order to issue the Lottery; but that it was previously granted to him by a Vote of the Company. That since he was Secretary, there have been Minutes kept; which is since the Charter was granted for the Commerce-Company, in which there is a Power to erect a Lottery.

Being desir'd to produce the Charter, and Books, and Papers relating to the Lottery, said, that he has not his Majesty's Leave to produce them, and desir'd the Committee would not put him upon Difficulties. Being again ask'd, whether he would not deliver the Papers, said, that he was very willing to deliver the Papers, if it was not for the Difficulties he has before mention'd. The Abstract of the Scheme of the *Harburgh Company's* Lottery for 1,500,000 *l.* or 16,500,000 *Guilders* in the *Flying Post*, from *Tuesday, November 13*, to *Thursday November 15*, 1722, being read to the Examinant, said, that it was printed by his Direction, and that the Scheme in the same agreeth with that which is sign'd by his Majesty; and that the Warrant and Approbation of the Scheme recited in the said Abstract, are sign'd at *St. James's*, as mention'd in the said Paper. The Advertisement relating to the *Harburgh Lottery* in the *Flying Post*, *Tuesday, December 4*, to *Thursday, December 6*, being read to Examinant, he declares, that he believes he sent it to the Printer's. That he drew the Advertisement himself, and afterwards shew'd it to several Gentlemen, and particularly, as he believes, to Mr. *Burroughs* and Mr. *Squire*, who are Trustees and Directors, at a Meeting at the *York-Buildings House*; and that it was not order'd either by a Court or the Trustees. Being ask'd what was meant by these Words, *viz.* Part of the Advertisement, *as will convince their Enemies, and rather those of his Majesty, and the Trade of the Nation*; said, that those that are Enemies to his Majesty, have oppos'd the Lottery. That the Examinant believes the Tickets were printed at *Tower-Hill*,  
and

and that the Examinant never heard that any of them were printed at *Hanover*, or *Harburgh*. That the Persons that are appointed Agents to deliver out the Tickets were nominated by the acting Trustees, who are Mr. *Burroughs*, Mr. *Squire*, Mr. *Richier*, Mr. *Caswall*, Mr. *Thompson*.

That there are some of the Trustees at *Harburgh*; but that no Committee of them have met there; nor has there been any Orders or Directions sent from them that this Examinant knows of. That Abundance of Gentlemen have subscrib'd for Tickets, to the Amount of about 100,000 Tickets, which they are to pay for, when they take the Tickets out; and that there was a Commission sent lately from a Gentleman in *France* for 1000 Tickets; that he can't tell how many are delivered; for that the Trustees keep the Accounts, and have the Books now in their Custody; that the Examinant has heard they have receiv'd about 100*l.* for Tickets.

The Examinant further says, that Lord *Barrington* did not give him Directions to publish the Abstract of the Scheme in the *Flying Post* of *November* the 13th, nor any of the Advertisements now shewn to the Examinant. That the Lottery has been under the Consideration of several Meetings of Directors, and general Meetings of Proprietors, and that it has had their Approbation in general. That he don't remember he ever heard any one, at any Meeting, complain of the Lottery, as taking too much from Adventurers, and giving too much to the Proprietors of the Stock. Being ask'd whether there was ever ten Votes against the Lottery? Said, that there was not half ten. That the last general Meeting order'd, that Endeavours should be us'd to fill the Lottery with all possible Speed; and that all the Deputy-Governors and Directors were summon'd to that Meeting; and that it was there also agreed, that Endeavours should be us'd to obtain an *English* Charter for Trade; but that he never heard that any Application was design'd to be made for a Charter for a Lottery; that there are Minutes taken of the Order, to apply for an *English* Charter.

Being ask'd whether he has ever heard the Lottery, or the Company by which the Lottery is granted, treated as a Bubble, by those that are concern'd? Says, that he has heard it so treated by Mr. *Hope*, and Sir *Thomas Webster*; the last of whom, declar'd at a Meeting of Directors, he would wash his Hands of it, and that what  
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made it a Cheat, was, that there was no *English* Charter granted. That the Stock will be worth, according to the Calculations he has seen, 29 l. per Cent. if the Lottery is full; but if not, the Value will decline in Proportion to the Number of Tickets that are not sold. That he has heard it treated as a Thing for the Benefit of the Trade of *Great Britain*. That the Sub-Governor, Deputy-Governor, and Directors, have no Salary, or other Allowances, under this Charter. Being ask'd whether Mr. *Joules* is Treasurer, said, that he is not sole Treasurer for the Lottery; for that the Trustees, of whom he (Mr. *Joules*) is one, act as Treasurer. Being ask'd how it comes, that the Tickets are printed in his Name as Treasurer? Said, that he is appointed Treasurer for Life by his Majesty's Patent, and the Tickets are order'd to be printed in the Name of the Treasurer, by Warrant of his Majesty: But that some of the Gentlemen not liking Mr. *Joules*, there is an Order made in the Minutes, that he should not receive any Money till he has paid the Company what he owes them; that the Trustees would not permit him alone to receive any Money, but receiv'd it themselves. That the Money that was to be receiv'd for the Tickets, was to be lodg'd in the Bank of *England*, and at the Treasury-Chamber at *Hanover*; and that the Charter gives the Directors a Power of meeting either at *Harburgh*, or in *England*. Being ask'd to produce the Minutes referring to the Application for the *English* Charter, and also the Minutes that were made for *Joules* not to receive any Money, as before mention'd, said, that they are in the same Book as the Minutes relating to the foreign Charter; and that he has not those Minutes now in his Custody; for that they were locked up by the Trustees since he was ill. That the Patents, Warrants, and Minute-Book, were locked up Yesterday-Night.

The Examinant own'd, that he did acquaint the Trustees before they locked up the Papers, that the Committee had sent him Notice in Writing, that they would examine him the next Day. Being ask'd whether the Directors did not take any Oath? Said, there are Oaths prescrib'd by the Charter, but not taken; for that they cannot administer them here, except they have an *English* Charter. The last Day of the Committee's sitting, Mr. *Ridpath* having attended the Committee, he since his said Examination, was desir'd to produce, or leave with the Chairman, the Minutes relating to the Application  
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for the *British Charter*; which he accordingly has sent to the Chairman.

Mr. *Nathanael Brassey* said, that in 1720, a Project was going on for a Charter for a Manufacture-Company. That there was a Letter of Attorney made, in order to give Power for Persons subscribing for the Stock of that Company at *Harburgh*; and 450,000*l.* of that Stock was subscrib'd for at 2 *per Cent.* and 100,000*l.* Stock was sold at 15*l.* 3*s.* *per Cent.* whereas 2*l.* *per Cent.* only was paid to the Company, as the Examinant has been inform'd.

That afterwards several Gentlemen went over to *Hanover*, endeavouring to obtain a Charter for Commerce, which was to be united with the Manufacture-Charter, and that there was subscrib'd 2*l.* *per Cent.* for 540,800*l.* or thereabouts, of the Stock of that Company; that when they were return'd, Gentlemen were call'd together, and were inform'd of the Benefit, that would arise by the aforesaid Charter. That some Time after, the Examinant went with Sir *John Hartopp*, Mr. *Bendish*, Mr. *Richier*, Mr. *Henry Cairnes*, Mr. *Joules*, and Mr. *Ridpath*, to Baron *Bothmar*, to sollicite the Warrant for the Lottery, of which the Scheme now shew'd to him is a Copy. That when he heard the Lottery was to be granted to Mr. *Joules*, the Examinant apply'd to Baron *Bothmar*, who told the Examinant, that a private Lottery was ask'd for, but would not be granted; that tho' this Lottery was granted to *Joules*, it was intended for the sole Benefit of the Company. That after the Warrant for the Lottery, was obtain'd, the Scheme was laid before the Examinant, and some others, at a Meeting as Directors, who desir'd of Lord *Barrington* to see the Warrant, but could not obtain the Request. That the Examinant did not only object to the Scheme itself, as not being a fair Adventure, but did disapprove of it, and declare he would not come into it, because Lord *Barrington* told them at that Meeting, that 75000*l.* was to be given for the Management of the Lottery; and propos'd, that 75000*l.* more should be given to Mr. *Joules*, for resigning his Right of the Lottery to the Company, and for making the Port of *Harburgh*. That the Examinant had a further Objection to it, because it was offer'd by Mr. Alderman *Billers*, to be manag'd for 20,000 instead of 75000; and the Reason that was given by the Lord *Barrington* not to accept of that Offer was settled by his Majesty's Approbation of the Lottery for the Management thereof; and as it was  
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To settled, it must so remain, and the Company could have it upon no other Terms. Said, that when the Trustees for the Lottery were nam'd to the Directors, Lord *Barrington* said, ' That he believ'd that some Gentlemen that were there present, were uneasy that they were not made Trustees for the Lottery, and said, that those who had attended constantly, if they would come into the Scheme, need not to be uneasy, for they should have 200*l.* a piece, if they would agree to it.' That Lord *Barrington* offer'd the Money, but that they refus'd it, and declar'd they scorn'd to take Money upon such Terms.

That the Offer was made by Lord *Barrington*, in a little Room at *Haberdashers-Hall*, where were present Mr. *Cresnor*, Mr. *Billers*, and several more that were not Trustees. That the Examinant said, he was in that Room from the first of their Meeting, for that he had some Conversation with Mr. *Cresnor*; That at the last general Meeting, the Examinant was at, it was concluded, that Mr. *Joules* should have 10,000 *l.* for conveying his Property in the Lottery to the Company; but that it was not to be paid out of any Part of the 75,000 *l.* which was to be given to the Trustees for the Management of the said Lottery. That the Examinant ask'd whether if the whole 75,000 *l.* was not expended in the Execution of the Lottery, the remaining Part of Money should not go to the Company; he was told by Lord *Barrington*, that a great deal of that Money was to be given to private Uses. The Examinant desir'd to know what those private Uses were; Lord *Barrington* told him it was not convenient for him to know, and he should not know. That he never could get Sight of the Company's Books, nor see any Account, but upon Scraps of Paper; that the Examinant takes it, that they lay under the immediate Direction of the Sub-Governor, who is Lord *Barrington*; that if they ask'd for any Books or Accounts, they were told by Lord *Barrington*, it was not proper they should see the Accounts of the Commerce Charter, and they should not. That there was a Balance of an Account from the Manufacture Company to the united Company, which he saw; but as to the Account of the 100,000 *l.* Stock that was sold at 15 *l.* per Cent. by Lord *Barrington's* Order, as *Joules* has inform'd the Examinant, he could never see it: That he, the Examinant, being inform'd by *Joules*, that 10 *l.* per Cent. of the 100,000 *l.* Stock, sold at 15 *l.* 3 *s.* per Cent. was to be apply'd to pri-

vate Uses, he did apply to Lord *Barrington*, to see the Account of that Money, and his Lordship told him it was not convenient he should, and he should not. That *Foules* told the Examinant, that he had Orders to buy at *Hartburgh*, a pretty large Quantity of Stock, which he bought of the Lord *Barrington*, that there was a Note of 1500*l.* Lord *Barrington* had given to *Foules* for Part of 2 *per Cent.* that had been subscrib'd for Stock, and that *Foules* had deliver'd that Note up to Lord *Barrington*, in Part of Payment for the Stock he bought of his Lordship; that the Examinant don't know the Quantities of Stock *Foules* bought, or at what Price it was sold. That *Foules* told the Examinant he was order'd to buy that Stock by Dr. *Calamy*. That the Examinant and others were frequently told by Lord *Barrington*, that an *English* Charter was promis'd, and would certainly be granted.

Mr. Alderman *Baylis* being shew'd the printed Scheme of the Lottery hereunto annex'd, said, that there was a Scheme open'd by Lord *Barrington* (he cannot speak certainly as to the Time) at a Meeting where Lord *Barrington* and others assembled, which he believes is the same as that now shew'd to him. Being ask'd, whether he remembers he did disapprove of that Scheme, said, that he believes, he might then say, he could not understand some of the Particulars, they never having been communicated to him; but that in general, it appear'd so unfair, that he was against it; and especially, because there was to be a Deduction of 5 *per Cent.* upon 1,500,000 *l.* to be rais'd by the Lottery, which amounted to 75,000 *l.* to be given to those that are Trustees of the Lottery: That a Day or two after, there was a Meeting at *Haberdashers-Hall*, where the Lord *Barrington* did again open the said Scheme for a Lottery, which his Lordship said, was agreed to by all the Directors, *Nemine contradicente*; and the Examinant objected to it, as not being agreed to by all the Directors; for he neither had, nor would give his Consent to that Scheme: And that then the Lord *Barrington* call'd out to the rest of the Persons assembled there, and said, he hop'd they would not suffer him to be so treated by the Examinant. That some Time after, when Sir *Thomas Webster*, and Sir *Charles Wager*, acted as Deputy-Governors, the Examinant heard there was Application making to the *English* Ministry, to get an *English* Charter; and that Notice was given to the Examinant, to meet Lord *Barrington*,  
and



and those two Gentlemen, at some *English* Minister's House; but he could not go. That afterwards, the Examinant was at a Meeting of Directors, at which was present Sir *Thomas Webster*; and as this Examinant believes, Sir *Charles Wager*, and Sir *Thomas* told the Examinant, that upon the Application aforesaid, an *English* Charter could not be obtain'd; and that there had been a Resolution come to, which was to disprove some Notice that was publish'd of a Lottery, and to signify that the same was not publish'd by the Approbation and Consent of the Directors.

To which Resolution, the Examinant immediately gave his Consent; that at the next Meeting, the Examinant was at, at which Lord *Barrington* was present, the aforesaid Resolution was read, and it was debated, and afterwards, the major Part of the Directors present, came to another Resolution, which was to quash the former, against the Consent of the Examinant. That upon this, the Examinant insisted, that there should be a general Meeting of Proprietors forthwith call'd, to acquaint them, that an *English* Charter had been refus'd, that People might not be drawn in: Being ask'd, whether Lord *Barrington* did not give his Consent to call that general Meeting? Said, he did, and the Examinant believes, a general Meeting was call'd, at which general Meeting the Examinant was not present, nor has been at any other Meeting since.

Mr. Alderman *Billers* being shewn a printed Scheme of the Lottery, said, that he had a Scheme sent to him by Mr. *Ridpath*; but that he never took out a Ticket, nor saw one, 'till he came to the Speaker's Chambers. That as soon as he understood, that the 75,000*l.* was to be given to the Managers, he desir'd to know of the Lord *Barrington*, how the Money was to be dispos'd of, who told the Examinant, that there would be great Expences in going over to *Hanover*, and that 30,000*l.* was to be given to the Person that made the Scheme. The Examinant was surpriz'd, that so great a Sum was to be given to the Person that made the Scheme; at which his Lordship said, he would not have him so much surpriz'd, for that he had been offer'd 40,000*l.* for a worse; and said, he believ'd the Examinant's Dislike to the Scheme was, because he was not a Trustee; but he hop'd to live to see the Examinant a Trustee. That he found a Paper of Minutes, which put the Examinant in Mind of what the Lord *Barrington* had told him, That

the Lottery was to be given to the Company *gratis*, which made him say to his Lordship, What is this to be given *gratis*, when 30,000*l.* is given to the Person that made the Scheme? His Lordship made answer, that the Examinant might suppose that was not all for the Scheme.

Being ask'd, whether he was not at the Court of Directors, when the Lord *Barrington* reported the Scheme? Said, he might be there, and if he was, he was against it; that he had declar'd so much against it, that for several Months past, he has not been summon'd to attend any one Court. That 500,000*l.* of the Profits of the Lottery was to be put upon the whole Stock, except 75,000*l.* Part of the Profits, which were to be deducted for the Managers. Mr. *Moses Raper* being shewn the printed Scheme of the *Harburgh* Lottery, said, that he had such a Scheme sent to him, and that there were some Observations made upon it, which he sent by Mr. *Simon*, a Bookfeller, to Mr. *Read*, in order to be printed; and Mr. *Simon* came to the Examinant in a Hurry, and brought the Examinant the following Letter, and the Examinant was oblig'd to promise the Printer to indemnify him, before he would print the said Observations.

London, October 26, 1722.

Sir,  
THERE being an Advertisement in Yesterday-Night's *St. James's-Evening Post*, relating to the *Harburgh* Lottery, and a Promise of the Scheme of the Gain and Loss of the said Lottery, to be inserted in the *Weekly Journal*, or *British Gazeteer* of Saturday next.

You are desir'd to take Notice, that no Reflections upon the said Lottery, which is approv'd by his Majesty, under the Sign Manual, and Privy-Seal, be inserted in the *Weekly Journal*, or *British Gazeteer*, or any other Paper wherein you are concern'd, as you would avoid Prosecution, beside the Loss you may sustain by the Company's Advertising in your Papers: By Order of the Trustees, appointed by his Majesty,

From (Sir)

your humble Servant

George Ridpath,

*Secretary to the Harburgh Company and Lottery.*

Directed to Mr. *Read*, Printer.

in *White-Fryers*.

Said,

Said, that Lord *Barrington* told him, the Examinant, that the King had promis'd to grant a *British* Charter, and that it would be obtain'd; and that they could not act as Directors well, without it could be obtain'd; and the Examinant spoke to Sir *Thomas Webster*, and Sir *Charles Wager*, about it; who told the Examinant, that they, together with Lord *Barrington*, had waited upon Lord *Townshend*, Lord *Cartaret*, and Mr. *Walpole*, who told him at that Time, that an *English* Charter for the Advantage of the said Lottery could not be granted, because it was illegal and impracticable. Sir *Thomas Webster* told the Examinant, that Lord *Barrington* desir'd that the Ministry's refusing to grant an *English* Charter, should be kept as a Secret, upon which, Sir *Thomas* immediately order'd *Ridpath* to call the Directors together; that he might acquaint them, they were to have no *English* Charter. The Examinant ask'd Sir *Thomas*, Why it was kept a Secret? He said, without an *English* Charter, the Lottery was a Cheat, and therefore he would have nothing more to do with him. Said, that his Objection to the Scheme of the Lottery, was, that after 1,500,000 *l.* was rais'd on the said Lottery, one third of the Stock was to be given to the old Proprietors; 1,000,000 *l.* of the Money so rais'd, was for the fortunate Adventurers; out of the remaining 500,000 *l.* 75,000 *l.* was to be given to the Trustees, for Management of the said Lottery; that the Sum the present Proprietors of the Stock of the *Harburgh* Company would have gain'd from the Adventurers in the Lottery, added to the 75,000 *l.* makes 210,000 *l.* which will more fully appear by the Calculation. That he desir'd Lord *Barrington* to see the Accounts of the Money paid in upon the Stock; and his Lordship would not let him. Said, that 100,000 *l.* Stock was sold at 15 *l.* per Cent. for the Benefit of the Company; and that he was told, it was never brought to an Account, for that he had ask'd Sir *Thomas Webster*, and Sir *Thomas* said, that he never saw any Account of that Stock.

Mr. *Andrew Hope* said, that there was a Clause in the Charter for a Lottery; and that the Lottery was talk'd of in *June*, or *July* 1710, or before. That the first Subscription was 500,000 *l.* that when 400,000 *l.* was subscrib'd, and 100,000 *l.* was to be sold, he was unwilling to buy any of the Stock that was to be sold, but *Joules* told this Examinant, that if he would not, others would; and thereupon he bought 10,000 *l.* of it, at 15 *l.* 3s. per Cent. That he ask'd *Joules* what was become of the Money, he said, the Lord *Barrington*, and Sir *Alexander Cairnes*

*Cairnes* had it; that the Examinant ask'd Lord *Barrington*, whether he should not know what was become of it; and Lord *Barrington* said, it was not fit he should know, and he should not. That the 10,000 *l.* Stock cost him above 1000 *l.* and that there was no Books to which his Name was put for the Stock; that then there was only 2 *per Cent.* paid in upon 400,000 *l.* Stock, or thereabouts; and he was to be upon the Foot with them, and have no other Advantage upon the 10,000 *l.* Stock. That Mr. *Lloyd* bought 30,000 *l.* Part of the 100,000 *l.* Stock at 15 *l.* 3 *s.* *per Cent.* and that the said *Lloyd* sold some of it again for 80, 60, and none under 20 and 30 *per Cent.* and some of that at 20 and 30 *per Cent.* was sold to one *Richard Jackson*. That there was no Transfer made of the Stock, nor any Receipt given. That Lord *Barrington* had often declar'd to the Examinant at several Meetings of the Directors or Trustees of the Lottery, that an *English Charter*, was promis'd, both by the King and the Ministry.

*John Christian Nicolai*, being examin'd as to the Sale of the 100,000 *l.* Stock at 15 *l.* *per Cent.* and the 10,000 *l.* paid him the said *Nicolai* by Mr. *Joules*. Said, that *Joules* sold 100,000 *l.* Stock for 15,000 *l.* and that he did not receive of Mr. *Joules*, any more than 8800 *l.* (the most Part of which the Examinant laid out in *South-Sea Subscriptions*) tho' he, the said *Joules*, was order'd to give the Examinant 10,000 *l.* as a Present, he having been concern'd in that Affair, ever since 1716, and travelled several Times to *Hanover*. That the Examinant ask'd *Joules* for the 1200 *l.* remaining Part of the said 10,000 *l.* and he said, he would pay him. That Sir *John Fryer*, and Lord *Barrington* order'd *Joules* to make the Examinant the Present of 10,000 *l.* and that he receiv'd it as a Present for his own Use and Advantage, for the Trouble he has had in that Affair, for the 4 Years. That by one of the Articles in the Charter of his Majesty, a Lottery is granted; that some Persons made a Motion that the Management of the Lottery should be assign'd to some one particular Person, which the Examinant and Mr. *Baylis* was against; but that the other Persons concern'd, thought fit to convey it to Mr. *Joules*.

Mr. *Benjamin Joules* being again examin'd as to the 100,000 *l.* Stock of the *Harburgh Company* being sold at 15 *l.* *per Cent.* either for the Use of the Company, or any other Person, said, that 'tis true, that he sold 100,000 *l.* at 15 *l.* 3 *s.* *per Cent.* and that *Benjamin Smith*, one of the Trustees, was one of the first Persons with whom

whom that *Affair* was transacted, who desir'd to have 10,000 *l.* Stock of the Examinant, and told him, he would give him 300 Guineas; the Examinant said he was so generous he would not make any Demand. That *Mr. Smith* acquainted *Mr. Thomas Brown* of it, who desir'd he might have 30,000 *l.* or 40,000 *l.* of the Stock; and then it being come to be known, *Mr. Andrews* desir'd 30,000 *l.* *Mr. John Floyd* and *Mr. Bracey* desir'd 30,000 *l.* that they gave the Examinant Earnest for it, and made him give them a Note to deliver it, to them; that he desir'd them to part with some of it for that if they did not, he could not make good his Promises to other People; but none of them would. That 2 *per Cent.* upon the 100,000 *l.* was paid to the Company, which is 2000 *l.*

That 3 Guineas *per Cent.* which is 3000 Guineas, the Examinant receiv'd for his own Use, and that 10 *per Cent.* which is 10,000 *l.* he paid to *Mr. Nicolai*; that it was sold by Order of *Sir Alexander Cairnes*, and that *Sir Alexander* came to the Examinant from another Room, and gave him the Orders by Word of Mouth to sell it, and told him that the Gentlemen had agreed that so much should be sold; that the Persons that were then in the other Room, were *Mr. Deacle*, *Sir Thomas Abney*, and *Mr. London*. Being ask'd, whether he thinks himself indemnify'd by the verbal Order of *Sir Alexander Cairnes*? Said, there was no Secretary, and therefore no Order in Writing was given, and nothing was acted regularly; and that he look'd upon it as an Order from all of them. Being ask'd, whether any Person gave a Discharge for the Money he receiv'd? Said, that he has no Discharge, and that the 2 *per Cent.* only was taken as the Company's Money.

*Mr. Benjamin Youles* being again examin'd; said, that *Lord Barrington* did not, directly or indirectly, order or give Directions to the Examinant to sell the 100,000 *l.* or to pay *Nicolai* 10,000 *l.* and that he did not make Use of *Lord Barrington's* Name when he gave *Nicolai* the 10,000 *l.* That he has own'd to several People at several Times, that *Lord Barrington* never gave him any Directions about the 100,000 *l.* Stock, or the 10,000 *l.* given to *Nicolai*; and that all the Gentlemen that are Trustees have heard him say so, and he has said it to no less than forty or fifty People more. That *Lord Barrington* was neither Governor, Sub-Governor, nor Director, at the Time when 100,000 *l.* Stock was sold, and *Nicolai* receiv'd the 10,000 *l.*

10,000*l.* but whether his Lordship had sign'd the Letter of Attorney before or after he was a Proprietor of the Stock, the Examinant could not say. Being ask'd, whether he told Mr. *Hope* that Lord *Barrington* gave him Order to sell the 100,000*l.* Stock, or any Part thereof. Said, he did not tell Mr. *Hope* so; for that the Direction was given to him to sell 100,000*l.* Stock, as he has mention'd in his former Examination; and Sir *Alexander Cairnes* order'd the Examinant to give 10,000*l.* to *Nicolai*; that the Stock was sold in *June*, 1720. That he has paid *Nicolai* 8800*l.* and he can prove by whom *Nicolai* has receiv'd the 1200*l.* the Remainder of the 10,000*l.*

To return to the Proceedings in Parliament.

On the 4th of *February*, The Bill to continue the Duties for Encouragement of the Coinage of Money, &c. was read a second Time, and committed to a Committee of the whole House, on that Day sevennight; and the next Day, the ingross'd Bill for punishing Mutiny and Desertion, &c. was read the third Time, pass'd, and sent up to the Lords; as was also an ingross'd Bill for continuing some Laws, and reviving others, &c.

On the 6th, Mr. Serjeant *Birch*, from the Commissioners and Trustees appointed to enquire into the forfeited Estates in England and Ireland, and elsewhere (except Scotland) presented to the House the further Report of the said Commissioners and Trustees; and then a Bill to enable Lords of Manors more easily to recover their Fines and to exempt Infants and Females-Covert from Forfeitures of their Copyhold Lands in particular Cases, was by Sir *Thomas Hammer* presented to the House, and read the first Time.

*February* 7. Mr. *Munro*, from the Commissioners and Trustees appointed to enquire into the forfeited Estates in Scotland, laid before the Commons the further Report of the said Commissioners. And, then, upon the Report made by Mr. *Walpole*, from the Committee, to whom the Petition of the Borough of Great Yarmouth in the County of Norfolk was referr'd, a Bill was order'd to be brought in for continuing an Act 10 and 11 *Gulielmi III.* for the clearing, repairing, preserving, and maintaining the Haven and Piers of Great Yarmouth. After this, the Call of the House was further adjourn'd to that Day Fortnight, and order'd, that the House be then call'd over, and nothing to intervene.

On the 8th of *February*, Mr. *Lownes* presented to the Commons a Bill for redeeming certain Annuities now payable by the Cashier of the Bank of England, at the Rate of five Pounds

Pounds per Annum; which was read the first Time, and order'd to be read a second. A new Writ was afterwards order'd for the electing a Burgess for the Borough of Bramber, in *Sussex*, in the Room of *William-Charles Van Hulse, Esq;* deceas'd; and then the House went into a grand Committee, to prepare Heads of a Bill for preventing Frauds and Abuses in the Tobacco Trade, and to consider of the Duties and Allowances upon Tobacco, and what Abatements or Regulations might be made therein. Among the rest, Mr. *Trenchard* mov'd, that in order to prevent for the future, the Frauds and Abuses committed in the said Trade, there might be a Re-entry of all Tobacco that was remov'd from one Port to another, both in *England* and *Scotland*; but that Motion not being seconded, was dropt. Then the same Gentleman took Notice, That tho' the *Scots* were, in many Respects, great Gainers by the Union of the two Kingdoms, yet they were very deficient in paying their Proportion of the publick Burdens; that by the Treaty of Union they were to pay 50,000*l.* per Annum, towards the Malt-Tax, but that, if he was rightly inform'd, for several Years past, they had not paid above 10,000*l.* and therefore he mov'd, that it might be an Instruction to the Committee to enquire into that Matter. He was seconded by Mr. *Hungerford*: But an eminent Courtier having represented, that such an Inquiry was very improper, in the present Juncture, and might inflame the Nation, Sir *Nathanael Gould* made a Motion which both Parties seem'd to come into, viz. That all Tobacco imported both into *England* and *Scotland*, be put into Warehouses, and not to be remov'd from thence without a Permit, to prove that the Duty was paid: But it growing late, the further Consideration of that Affair was put off to that Day sevensnight.

Feb. 9. The Commons order'd a Bill to be brought in, for better qualifying the Manufacturers of Stuffs and Yarn in the City of *Norwich*, and Liberties thereof, to bear the Offices of Magistracy in the said City, and for regulating the Elections of such Officers; and then a Bill for redeeming certain Annuities, &c. was read a second Time, and committed to a Committee of the whole House.

On the 11th of February, a Petition of several thousands of his Majesty's Subjects under Insolvency, in *Suffolk-Place*, in the Borough of *Southwark*, was presented to the House, and read, imploring such Relief as should be most agreeable to the Goodness and Wisdom

of the House; but a Motion being made, and the Question put, that the Petition be refer'd to a Committee, it pass'd in the Negative, and not only resolv'd, that the Petition be rejected, but at the same Time, a Committee was order'd and appointed to enquire into pretended privileg'd Places, and to report their Opinion to the House; with Power to send for Persons, Papers and Records.

Feb. 12. A Bill for the cleaning, repairing, and maintaining the Haven and Rivers of Great Yarmouth, was presented to the House, receiv'd, read the first Time, and order'd to be read a second. Then Complaints being made to the House of a printed Pamphlet, entitled, *The Report of the Committee appointed to enquire into the Project commonly call'd the Harburgh Lottery*: The same was brought up to the Table, where the Title thereof was read, and also some Paragraphs therein, call'd Resolutions of the House of Commons: Whereupon it was order'd, that a Committee be appointed to enquire into the Printer and Publishers of the said printed Pamphlet, which was refer'd to the said Committee. And then, in a Committee of the whole House, the Commons went through the Bill for redeeming certain Annuities, &c. and made several Amendments thereto.

Feb. 13. A Bill to suppress the Harburgh Lottery, and to prevent any foreign Lotteries from being carry'd on in this Kingdom, &c. was read the first, and order'd to be read a second Time. Complaint being made to the House of the great Difficulty the Members meet with in coming to and going from the House, chiefly occasion'd by Reason of the frequent Stops of Coaches meeting in the narrow Passages leading to the House; a Committee was thereupon appointed to consider of proper Methods for preventing the said Inconveniencies to the Members in their coming to and going from the House.

Then the House disagreed to the Resolution of the Committee of Privileges and Elections, touching the Election for the Borough of Dorchester in the County of Dorset, viz. That Edmund Morten, Esq; was duly elected for the said Borough; and on the contrary, it was resolv'd, that William Chapple, Esq; was duly chosen a Burgess for the said Borough.

On the 14th of February, the Commons return'd the further Consideration of the Report of the Committee appointed to enquire into the Harburgh Lottery; and several



several Paragraphs in the said Report, relating to *John Lord Viscount Barrington* of the Kingdom of Ireland, a Member of this House, were read, and then *Henry Bendysh, Esq;* *Mr. George Ridpath*, *Mr. Thomas Matthera*, and *Misses Raper, Esq;* having been severally call'd; and examin'd, the farther Consideration of the said Report was adjourn'd to the next Morning, when several Persons were order'd to attend.

Accordingly, on the 15th, the Commons resum'd the farther Consideration of that Affair; and *Mr. George Ridpath* having been examin'd, the Lord *Barrington* was heard in his Place, and, in his own Justification alledg'd, that his Design was honest and disinterested; that he had nothing in View but the Good of the Nation; that the *Harburgh* Company, if duly manag'd, and encourag'd, might have been very advantageous to the Navigation and Trade; and that the Lottery in Question, was intended to raise Money, in Order to enable the Company effectually to carry on their Trade. But his Defence made little or no Impression on the Assembly, so that it was resolv'd, *Nemine contradicente*, that it appears to this House, that *John Lord Viscount Barrington* of the Kingdom of Ireland, a Member of this House, has been notoriously guilty of promoting, abetting, and carrying on the fraudulent Undertaking call'd the *Harburgh* Lottery. 2. That the said Lord Viscount *Barrington*, be, for his said Offence, expell'd this House.

February 16. *Mr. Yong* acquainted the Commons, from the Committee appointed to enquire into the Printer and Publisher of the Report about the *Harburgh* Lottery; that several of the Witnesses they had summon'd to attend them, had prevaricated, and would not give direct and clear Answers to any Questions ask'd them; and that he was directed by the Committee to move the House, that they might be impower'd to examine Witnesses in the most solemn Manner; whereupon it was order'd, that such Members of the said Committee who were Justices of the Peace for the County of *Middlesex*, and City of *Westminster*, should examine in the most solemn Manner; such Persons as they thought fit; at the said Committee.

Feb. 18. *Mr. Yong*, from the said Committee, acquainted the House, that *Richard Francklin*, Bookseller in *Fleetstreet*; (who in his Examinations before them on *Saturday* last; had own'd that the said Report was printed by his Direction) having since been summon'd to attend the said Committee,

Committee, in order to his being further examin'd that Morning, had sent a Letter to the Chairman of the said Committee, acquainting him that he would not obey the said Summons. Hereupon, it was resolv'd, That *Richard Francklin*, Bookseller, having refus'd (when duly summon'd) to attend a Committee of this House, was guilty of a notorious Contempt of the Authority and of a Breach of the Privilege of this House, and order'd, that the said *Richard Francklin* be taken into the Custody of the Serjeant at Arms. Then the *Bill to suppress the Harburgh Lottery, &c.* being read a second Time, and committed to a Committee of the whole House, to whom the *Bill to continue the Duties for Encouragement of the Coinage of Money*, and for the Relief of *William* late Lord *Widdrington*, was committed; with an Instruction to the said Committee, to alter and make both the said Bills into one.

February 19. An engross'd *Bill to enable Lords of Manors more easily to recover their Fines; and to exempt Infants and Females-Covert from Forfeitures of their Copyhold Estates in particular Cases*; was read the third Time, pass'd, and sent up to the Lords. Then upon a Complaint made to the House, that notwithstanding the Order of this House of the 23d of *January* last, several written Papers were dispers'd in Coffee-Houses, and elsewhere, as Minutes of the Proceedings of this House, in Breach of the Privilege of this House; the Committee who were to enquire into the Printer and Publisher of the Report touching the *Harburgh Lottery*, were thereupon order'd to enquire also into the Writers and Dispersers of the said Papers, and report the same to the House. After this, a new Writ was order'd to be issu'd for the electing a Burgess for the Borough of *Calne* in *Wiltshire*, in the Room of *George Duckett*, Esq; who since his Election, had accepted the Office of one of the Commissioners of his Majesty's Revenue of Excise.

Nothing material was done the 20th, but the next Day, the *Bill for reviving and adding two Millions to the Capital Stock of the South-Sea Company, &c.* was read a second Time, and committed to a Committee of the whole House. Then the House, according to Order, was call'd over; and the Names of such Members as made Default to appear, were noted down; and the Names of the Defaulters being call'd over; many of them appear'd, others were excus'd, but seven of them, whose Excuses were not allow'd, were order'd into the Custody of the Serjeant at Arms, viz. Sir *William Carew*, Bart. *Henry Earl* of

of Drogheda in the Kingdom of Ireland, Nicholas Vincent, Esq; Sir Copleston-Warwick Bampfylde, Bart. Thomas de Grey, Esq; John Earl Fitzwilliam in the Kingdom of Ireland, and the Honourable Doddington Greville, Esq;

On the 22d of Feb. the Commons made a Resolution, that Robert Gordon of Haughes, Sheriff Depute for the Shire of Inverness, having accepted and return'd to the Clerk of the Crown in Chancery, an Indenture of Return of a Burgess to serve in this present Parliament for the District of Burghs of Inverness, Nairn, Forres, and Forthrose, (the said Indenture of Return not being sign'd by the Common Clerk of the presiding Burgh of the District of Burghs) had acted arbitrarily and illegally, in Defiance of the Laws of this Realm, and in Breach of the Privilege of this House: And it was order'd that the said Robert Gordon, be, for the said Breach of Privilege, taken into the Custody of the Serjeant at Arms. Then in a Committee of the whole House, some Progress was made in the Bill in Favour of the South-Sea Company.

Feb. 23. Upon the Report made by Mr. Yong, Chairman of the Committee abovemention'd, it was resolv'd, that Henry Parker, Printer in Bishopsgate-Street, having, by Direction of Richard Francklin, Bookseller in Fleetstreet, presum'd to print, and that Nathanael Dodd, having presum'd to publish in Print, the Proceedings of the Committee of this House, contrary to the Order of this House, were guilty of a Breach of the Privilege of this House; that the said Henry Parker and Nathanael Dodd be, for the said Breach of Privilege, taken into the Custody of the Serjeant at Arms. Then Mr. Pulteney, from the Committee appointed to examine Christopher Layer and others, acquainted the House, that the Committee had prepar'd a Report to be laid before the House, and desir'd the House would appoint a Day for receiving the same: Whereupon it was order'd, That the said Report be receiv'd upon the 1st Day of March. After this, the House was order'd to be call'd over on Tuesday come Fortnight, the 12th Day of March next.

On the 25th of Feb. upon the Report made to the Commons by Mr. George Berkeley, of the Matter of the Petition of Sir Basil Dixwell and others, as it appear'd to a Committee, to whom the said Petition had been referr'd, a Bill was order'd to be brought in for completing the Repairs of the Harbour of Dover in the County of Kent; and

for

for referring to his ancient Goodness the Harbour of Rye in the County of Sussex. Then Mr. Gibson reported from the Committee of Privileges and Elections, the Matter as it appear'd to them, touching the Election for the Shire of Sutherland, with the Resolutions of the Committee thereupon, which were agreed to, viz. 1. That the Right of electing a Commissioner to serve in Parliament for the Shire of Sutherland, is in the Heretors, Fewards, Wadsetters, and Life-Renters, possess'd of the Lands in the said Shire, whether holding of the Crown, or of a Subject. 2. That Sir William Gordon, Bart. was duly elected a Commissioner to serve in this present Parliament for the Shire of Sutherland.

By this Time, the Bill for punishing Mutiny and Desertion, &c. had been sent back from the House of Peers, where it had occasion'd great Debates, particularly an Amendment made by their Lordships for inserting in the Preamble the Number of Forces thought proper to be kept on Foot for the ensuing Year, consisting of 16449, effective Men, Officers included, and 1815 Invalids; against which Amendment, eighteen Lords enter'd a memorable Protestation. Tuesday the 26th of Feb. being appointed to take the said Amendments into Consideration, they were severally read, and a Motion being made, that the House do agree with the Lords, the Amendment beforemention'd occasion'd a very warm and long Debate, many Members urging, that it intrench'd on the proper Prerogative of the Commons to grant Supplies: But at last the Question being put, whether to agree or not? It was carry'd in the Affirmative by a Majority of 130 Votes against 116.

The same Day, the Commons resolv'd to address his Majesty, ' That he would be graciously pleas'd to give Directions for the widening the narrow Passages leading to this House; and to assure his Majesty, that this House would make good any Expence his Majesty should be at, in purchasing the Property of the Earl of Rochester for that Purpose, out of the next Aids to be granted by Parliament. After this, it was resolv'd, *Nemine contradicente*, 1. That an humble Address be presented to his Majesty, to congratulate his Majesty on the Increase of his Royal Family, by her Royal Highness's being happily deliver'd of a Princess. 2. That a congratulatory Message be sent to their Royal Highnesses

ses the Prince and Princess of Wales, on this happy Occasion.

Feb. 27. Mr Chancellor of the Exchequer reported to the House, That their Address congratulating his Majesty on the Increase of his Royal Family, by her Royal Highness's being happily deliver'd of a Princess, had been presented to his Majesty, and that his Majesty had commanded him to acquaint this House, *That his Majesty returns his Thanks to this House for their Address of Congratulation, and for the Zeal and Affection which they have express'd to him and his Family.* Then Mr. Pelham reported, that the Gentlemen appointed to attend their Royal Highnesses the Prince and Princess of Wales, with a congratulatory Message on the happy Delivery of her Royal Highness of a Princess, had attended his Royal Highness accordingly; and that his Royal Highness was pleased to give this Answer, *That he is very sensible of the Affection which the House of Commons have shew'd to him upon all Occasions, and returns his Thanks for this particular Instance of it.* Mr. Chancellor of the Exchequer also reported to the House, that their Address for the widening the narrow Passages leading to this House, having been presented to his Majesty, his Majesty would give the necessary Directions, that the said Passages might be made wider, pursuant to the Desire of this House.

The same Day, a new Writ was order'd for the electing a Burgess for the Town of *Berwick upon Tweed*, in the Room of *John Lord Viscount Barrington* in the Kingdom of Ireland, expell'd this House: After which, Mr. *Candlish* reported from the Committee appointed to enquire into pretended privileg'd Places, and to report their Opinion to the House, what might be the best Means to abolish them; the Matter as it appear'd to them, with the Resolutions of the Committee thereupon; which were agreed, unto by the House, *Nem. con.* and are as follows, viz.

1. That the Provision made by the Act of the Eighth and Ninth of King *William the Third*, intituled, *An Act for the more effectual Relief of Creditors in Case of Escapes, and for preventing Abuses in Prisons and pretended privileg'd Places*, has not prov'd effectual within the Place commonly call'd the *Mint*, and that further Provisions should be made, and the same to be extended to the *Consivers, Aiders, and Abettors of and in the Offences mention'd*

tion'd in that Part of the said Act which relates to pretended privileg'd Places.

2. That farther Powers be vested in the Justices of the Peace for the County of Surrey, for the more effectual Execution of their Warrants, and Escape Warrants within the said Place call'd the *Mint*.

3. That some Provision be made for defraying the Charge of raising the *Posse Comitatus*, or any other Power that shall be requisite to execute Process or Warrants, within the said *Mint*.

4. That Assemblies of Persons taking upon themselves to regulate and determine Matters within the said Place call'd the *Mint*, greatly contribute to the Support of the Disorders and illegal Practices committed therein; and that effectual Provision be made against the Contrivers, Actors, Aiders and Abettors of and in such Assemblies.

5. That some proper Encouragement and Reward be given to the Prosecutors upon their convicting such Offenders.

6. That the granting some Relief to such insolvent Debtors as have been for a certain Time (to be limited) within the *Mint*, and shall appear to be Objects of Compassion, under proper Regulations and Restrictions, may conduce to the dispersing the great Numbers that have resorted thither, and to the abolishing the pretended Privileges of the same Place.

And a Bill was order'd to be brought in pursuant to the said Resolutions.

On the last Day of Feb. the Commons in a Committee of the whole House, went through the Bill for reviving and adding two Millions to the Capital Stock of the South-Sea Company, &c.

On the 4th of March, the Commons read the 3d Time, pass'd and sent up to the Lords, an ingross'd Bill for clearing, deepning, repairing, extending, maintaining, and improving the Haven and Piers of Great Yarmouth, &c. Then the House took into Consideration the Reports of the Grand Committee, to whom the Bill for redeeming certain Annuities, &c. as also the Bill for reviving and adding two Millions to the Capital Stock of the South-Sea Company. And having agreed to the Amendments made to the said Bills, they were both order'd to be ingross'd.

March 5. An ingross'd Bill for better qualifying the Manufacturers of Stuffs and Yarn in the City of Norwich, &c.  
was

was read the 3d Time, pass'd, and sent up to the Lords. Then the House being mov'd, that the standing Orders of the House, (*Sabbati 15 Die Feb. 13 Gul. III. and of the 12th of Decem. 5 Anna.*) relating to private Bills, might be read, the same were read accordingly; and thereupon it was order'd and declar'd, That the said Orders be standing Orders of the House. After this, a Petition of the Inhabitants of the City and Liberty of *Westminster*, complaining of the ill Paving, Cleaning and Lighting the Streets, was refer'd to the Consideration of a Committee, who were empower'd to receive Proposals for the better paving, cleaning and lighting the said Streets. Then in a grand Committee, the Commons consider'd further of Heads for a Bill *for preventing Frauds and Abuses in the Tobacco-Trade, &c.* and came to several Resolutions.

On the 6th of *March*, Mr. *Sandys* reported the said Resolutions, which were agreed to as follows, *viz.*

1st. That there be but one Commission of the Customs for the whole united Kingdom.

2. That the Importer of Tobacco from the *British* Plantations shall pay down the old Subsidy of one Penny *per* Pound, with an Allowance only of 5 *per Cent.* as usual.

3. That all the other Duties, amounting together to five Pence, and one Third of a Penny *per* Pound, shall be paid down, or Security given for the Payment within 18 Months.

4. That in lieu of all former Encouragements, Allowances, and Discounts, 25 *per Cent.* or one full fourth Part of the said last recited Duties shall be deducted and allow'd upon the Entry of the Importer.

5. That every Importer, not paying down the said Duties shall be chargeable, from a certain Time after Importation, with an Interest at a certain Rate *per Cent. per Annum*, until the same is paid.

6. That no Allowance be made for *damag'd* Tobacco, but the Importer shall have Liberty to separate such *damag'd* Tobacco, and the Officers of the Customs shall caused the same to be burnt and destroy'd.

7. That upon the Exportation of Tobacco into any foreign Parts, the whole Duty paid inward or secur'd shall be drawn back.

8. That further Encouragement be given to such as shall discover fraudulent Drawbacks upon Tobacco exported.

9. That any Tobacco coming Coastwise from one Port to another in *Great Britain*, may be detain'd by the Officers of such Port, upon Suspicion, until Proof be made that the Customs and Duties of such Tobacco have been paid or secur'd; and in Case such Suspicion be found groundless, the said Officers to be liable to Costs and Damages.

10. That in Case any Tobacco coming Coastwise from one Port to another in *Great Britain*, shall have been taken on Board in any foreign Part, or from on Board any Ship or Vessel at Sea, or in any Place other than the Port whence it was certify'd, such Tobacco, and the Value to be forfeited.

A Bill was order'd to be brought in pursuant to the said Resolutions, and then the House adjourn'd to the 8th of *March*.

*March* 8. Mr. Chancellor of the Exchequer acquainted the House, that since the Report from the Committee appointed to examine *Christopher Layer*, and others, in Relation to the Conspiracy, a Letter from the Bishop of *Rochester*, in the said Bishop's own Hand-writing, had been seiz'd upon his Servant who attended him; and that his Majesty had commanded him to lay the said Letter before the House. Mr. Chancellor of the Exchequer also acquainted the House, that *William Wood*, the Bishop of *Rochester's* Coachmaa having been examin'd upon Oath, it appear'd, that the Times of the said Bishop's coming to and going out of Town were set down in a Day-Book of Accounts kept by the said *William Wood*, as they are mention'd in his Depositions in the Appendix to the Report; and that Mr. *Thomas Moore*, the Bishop's Chaplain, had got the said Book into his Possession, and carry'd it away, upon a Promise to return it (as is sworn against him) and that the said Mr. *Moore* having been examin'd before a Committee of the Lords of the Council, and requir'd to deliver the said Book (as being Part of the King's Evidence) had deny'd his having it, or knowing any Thing of it. And Mr. Chancellor of the Exchequer deliver'd to Mr. Speaker the said original Letter, and a Copy thereof; and also the Minutes of the Examination of the said *Thomas Moore*, the 28th of *February* last, before a Committee of the Lords of the Council; and the Copy of the said Letter, and the Minutes of the said Examination were read by the Clerk: After which it was order'd, that the said original Letter be kept by the Speaker, with the original Papers and Examinations; and that



that the said Letter and the said Examination be printed with the Appendix to the said Report, which was done accordingly. The said Letter is as follows:

*Bishop of Rochester's Letter, seiz'd Feb. 26.*

I Have the Gout in my Right Hand, and it is grown more troublesome than it was; should it continue to do so, I shall in a Day or two be incapable of Writing, and must therefore be contented with receiving what you shall send, without returning any Answer, unless by the Hand of a Servant.

I take K's Account to be the truest, that they are resolv'd to push me; but I cannot yet believe, that it will be by Bill, but by an Impeachment: The Consequence of which will be a Bill impowering the Chapter, &c. as I have said, while that Impeachment depends. In that Case, the particular Advice of Friends, what Steps I am to take, and how I am in every Case to behave, would be very welcome, J. T. surely should be spoke to, to inform himself as well as he can in every Respect, and to send me by (Y.) the best Advice he can himself propose or collect from others. If I judge right of what K says, there are those would be glad the Arrow should be drawn to the very Head, not caring tho' they venture my Ruin, in Hopes of ruining others. If there be any Caution and Wariness us'd in the Case, it will, I apprehend, be on the Side of the Ministry, for fear of their losing their Point, by overstraining the Matter. I shall expect a further Account of your Conference at two a Clock to Day, with K. Since the Attack is certain, is any Method taken to bring up the absent Lords, particularly the Bishops? Abington, I think, has been away all the Session. Anglesey can bring him up with him, if he pleases: But 'tis to no Purpose for me and the Cause; and their Management in the Case will shew to what Degree their Concern rises; and to them therefore I leave it.

If the Narrative relates chiefly to Neyno's, Sample's, and Layer's Affairs, so far it cannot affect me: For I never heard of the Names of either of the three, 'till after this Plot broke out.

If I cannot ward the Blow, i. e. if the Impeachment can't be stopp'd, I am a Prisoner for some Years without Remedy. In Order to stop it in the H. of C. methinks it will be of Moment to observe, that it is the first Impeachment that ever was avowedly brought upon conjectural Evidence. In other Cases, the Facts and Circumstances upon

which the Impeachment was brought, being not previously declar'd, it could not be known, whether the Impeachers had not sufficient Grounds to proceed upon. But here they *ante manum* produce their Evidence, and all their Evidence; and if that shall appear not sufficient to found an Impeachment, methinks the very lodging it may be stemm'd.

If any of the Committee or the Ministry will aver, that there is any Oath made against me of treasonable Practices, by any living Witness, or that they have any such Witness, who has undertaken to prove any Crime against me, when it shall be thought fit to proceed upon the Impeachment; such Assertions may induce the House to impeach. But in such Case, let the Ministry or Members of the Committee be oblig'd to deliver in the Name of such Person, in a Note to be seal'd and left with the Speaker, and open'd when the Discovery of such Evidence will be attended with no Inconvenience, and let him then undertake to justify the Truth of his Assertion. Otherwise, to impeach a Man, when there is confessedly no living Evidence whatsoever against him, will be barbarous; especially after waiting six Months to get some such Evidence, and confining a Prisoner all that while after the closest and most rigorous Manner, to the evident Hazzard of his Health and Life. Such Punishment, and the further Confinement which the late Law allows, is sufficient for bare Suspicion of Treason. And if in eight Months more any Evidence can, after all, be produc'd, the Prisoner will be forth coming then to answer his Accusation. But to impeach him in Hopes of finding Evidence afterwards, and acknowledging there is none at present, is unreasonable in itself, altogether unparliamentary, and unprecedented. And such a Precedent once set, may be attended with terrible Consequences, which others may feel in their Turn. For whose Liberty is safe, if the H. of C. may accuse any one, even when they own they have no legal Proof against him? They are the grand Inquest of the Nation, and should find their Bill, as Grand Juries do, upon some positive Evidence; they cannot, they ought not, to proceed solely upon Conjectures and Probabilities. This is the Advantage I would make of their previous Declarations in the Narrative; and it is in my Opinion, a very great Advantage towards quashing any Attempt that may be made towards an Impeachment. I have not Time to explain myself farther on this Head; but should not be unwilling what I have said, should be shew'd to some knowing Friend.

Friend of the H. of C. upon whose strict Secrecy, as well as good Judgment I may depend; particularly to Mr. Br.

If there be no Impeachment, I shall be at more Liberty here, when the Parliament is up; and being so, can put all capitular Affairs into an easy Method of being legally transacted, even when I my self am not present among them. Should there be an Impeachment, a capitulating Bill will, as I have said, probably follow. But even then I can shew, that it is unnecessary, and nothing but Necessity (and the Unreasonableness of punishing 12 other Men for my Faults) can ever justify it. Bishop *Williams*, Dean of *Wr.* was confin'd to his Diocese for 2 or 3 Years, and yet a Method was found to renew Leases, and do Business at *Westminster*, necessary for the Support of the Body, during his Absence. And when he was afterwards imprison'd in the *Tower* for 2 or 3 Years more, and a Commission under the Great Seal issu'd, empowering the Sub-Dean and Chapter to proceed without him; this was look'd upon as an unjustifiable Strain of the Prerogative, and one of the great Blemishes of that Reign. And when Bishop *Williams* came out of Prison, he revers'd all they had done (without his Consent) in Prejudice to his Right as Dean; and particularly voided ten Patents of ten Offices they had granted, the Nomination to which was vested in him by Charter, and consequent Usage.

In Truth, the Dean, by Charter and Usage, has separate Rights from the Chapter; these are personal, and can be exercis'd by him, wherever he is, or by the Sub-Dean, whom he always and solely appoints: And for the Exercise of these Rights, therefore, no Bill can be necessary. The Bishop of *Bristol*, at this Time, disposes of Offices in his Gift, Chambers, &c. even when he is attending the Parliament, for six or seven Months; and his Sub-Dean governs the College in his Stead, and by a Proxy lodg'd with him, is enabl'd in the Dean's Name to transact all capitular Business whatever, together with the Canons. But my Hand is weary, and I am come to the End of my Paper.

What I have written in four Sides may, I think, upon a Review of it, be shew'd by you in Confidence, to Mr. Br———, tho' there are other things mix'd with what I would have him see. You must not tell him what K. &c. means, and then there is no Harm. You should write a short Note to him as soon as you receive this,  
and

and desire to know when you may wait upon him alone, and then shew him the Paper, Part of which you thought of transcribing; but it was too long, and you chose rather to leave the Original with him for his Perusal. If he seems inclinable to return any Answer, tell him you will transcribe it, and give him his Paper back immediately. But I fear he will scarce venture to make any but a verbal Return. If so, do not take that verbal Answer from him immediately, but desire him to appoint another Time when you may wait on him and receive it, after he has (if he thinks fit) advis'd with Friends. The Intermixture of other Business will make him see that the Paper was not intended for him, and will be an Excuse for the Haste with which it was wrote. And the Confidence in that Case plac'd in him, will probably procure a mutual Return.

There is one more must know of the Secret of the Conveyance; and that is the Person employ'd in making it, and procuring its being made, if it was not Sam himself. Sift Sam, and know from him certainly, who is privy to it, and enjoin him the utmost Secrecy. Frank, I hope, knows nothing of it. I expect the Event of the Dialogue with William, and the other Accounts from Q. to morrow. You may, when you see, Br — y, impart the Story of that Villany to him, and desire his Advice upon it, at what Time and in what Manner it may be proper for me to bring that Matter upon the Stage, and shew what extraordinary Methods are taken to get at me, and beg the Lords Protection in the Case against such vile Practice.

I hope William has not given into it, and then my Way will (some Time or other) be clear towards a Complaint; whenever it is proper, I think, the Rascal my Neighbour may be summon'd before the Lords, and made to tell who employ'd him to proffer such Sums, and be punish'd by them for such Practices.

If the Butter you send me on *Wednesday* be excellently good, it will be as good a Reason for my having it from *Wesfr.* as my having Water from thence daily.

If there be any Proceedings against me, early Care must be taken of Money. I will not press you on that Head; But the Bond of 500*l.* which the Chapter owes me in your Name, being upon so good Security, may easily be turn'd into Money, by Z. perhaps ——— Q. ——— destroying the Declaration of Trust to me, and Y. giving another to Z. and he may have the Interest on that Bond,  
when

when paid, from the Time of his furnishing the Money, But this I mention upon a Supposition only, that there may be pressing Occasion for Money. I have still by me between 2 or 300*l.* and I suppose Q. has collected some small Sums from the Tenants. I shall be furnish'd with none from the Chapter, tho' a great deal is due to me.

Since I know not what may happen to me, I am determin'd, while I am possess'd of all my Rights, as Dean, to fill up two vacant Places, that are without Controversy in my sole Gift; and to that End shall enclose a Paper dated at some Distance of Time, which you may put in the Sub-Dean's Hands, and desire him to produce when there is a proper Occasion. You need not let him know it was written when dated, nor how long you have had it in your Custody.

Before it is deliver'd to the Sub-Dean, Sam must sign a Paper, declaring that he will allow *Joseph* Half the Profit of the Sacrist's Stipend and Board-Wages, and Perquisites of all Kind, as well as his Perquisites as Deputy to *Law*, as of those which belong to the Sacrist's Place, to which Sam is nominated. And in that Case *Joseph* shall give another Paper under his Hand, to allow Sam the Half of his two little Places, when he can come into Possession of them, and get to be paid for them. For I would have them equal in their Advantages. Sam indeed is the elder Servant, but *Joseph* has suffer'd, and is like to suffer most by a long and close Confinement with me. And they are both very honest and very trusty Servants; and I hope still to live to be able to do better for them. I doubt not but these Nominations will hold good at Law, unless the Bill to be brought in shall go backwards and void every Thing I have done as Dean, from the Time of my Commitment, which will be the most extravagant and unreasonable Thing that ever was done.

On the contrary, I hope, when my Friends understand my Case (if they will give themselves the Trouble of understanding it) they will be able to prevent any Bill whatsoever to qualify the Chapter to act without me, especially such an one, as vests in the Subd. and Chapter the Rights personally, separately, and solely belonging to the Dean.

Upon reconsidering Matters, if Z's Account of the Narrative be just, I cannot conceive how 'tis possible to impeach after it has been read, *i. e.* after an open Confession

session made by them that they have nothing under my Hand, no Oath, no living Evidence against me, but Inferences only, and Conjecture, and Probability. They may impeach me indeed before it, because the H. not being then acquainted with what they have to produce, may suppose it to be much stronger than it is; but to impeach after a Declaration made that they have no positive Proof, is so absurd, that I could almost flatter myself with the Thought that they mean it as a Check against any Attempt that may be made in the H. of Lords towards bailing, and not designing it in good earnest. And yet if that be so, K is either deceiv'd, or in the Secret of deceiving me, thinking he makes a good Bargain for me if I am neither impeach'd nor bail'd; but escaping a parliamentary Prosecution, and left to the Mercy of those who committed me.

Thus you see, I turn Things every Way, having no solid Foundation on which to build my reasoning, for want of the Intelligence requisite. Pray desire Z. to get me further and more particular Accounts of the Narrative, if it be possible; and ask Br. also (who from hence forward is L) to get you some Account of it beforehand. Nothing is more instructive to me, or enables me better to pass some Sort of Judgment on my own State, and to guess at what will follow. That short Account Z sent, has furnish'd me with more Remarks of that Kind than all I had heard before from all Quarters.

*Monday Night.*

Once again adieu.

*Memorandum,*

This Letter was inclos'd in a blank Cover, on the Outside of which the following Words were written.

Desire Z, if he can possibly, to get a particular Account whether Jack be mention'd in the Report, much or at all, and in what Manner. As Y. is to discourse L. about the late Villany of my Neighbour; so I could wish Q. would discourse V. and take his Advice upon it, whether any things to be done upon it, and what, and when,

Then the Commons proceeded to take into further Consideration the Report from the Committee appointed to examine *Christopher Layer* and others; and *William Pulteney*, Esq; mov'd that this Question might be put, viz.

That

That upon Consideration of the Report, and the several Papers and Examinations relating to the Conspiracy, it appears to this House, that a detestable and horrid Conspiracy has been form'd and carry'd on by Persons of Figure and Distinction, and their Agents and Instruments; in Conjunction with Traitors abroad, for invading these Kingdoms with foreign Forces, for raising Insurrections and a Rebellion at Home, for seizing the Tower and City of London, for laying violent Hands upon the Persons of his most Sacred Majesty, and the Prince of Wales, in order to subvert our present happy Establishment in Church and State, by placing a Popish Pretender upon the Throne.

This Motion was seconded by Sir John Rushout, and Thomas Broderick, Esq; But Mr. Shippen, and Mr. Bromley endeavour'd to extenuate some Matters, which in their Opinion, were couch'd in too strong Terms, as not being clearly prov'd. They said, they did not doubt of the Conspiracy, for they believ'd there had always been one carrying on against the present Settlement, ever since the Revolution: But from what had yet been laid before the House, it did not appear to them that there was such a particular concerted Plot as was mention'd in the Question abovemention'd. Sir Joseph Jekyl, Master of the Rolls, said thereupon, with a great deal of Warmth, 'He could not with Patience, and with his usual Moderation, hear the Truth of this detestable and horrid Conspiracy call'd into Question, after so many undeniable Proofs. But, added he, as there are People who know nothing of the Plot, and yet believe it, so there are others that know the whole Plot, and yet pretend not to believe it.' He was answer'd by Mr. W——— who, in particular, excepted against these Words in the Question, viz. for *Laying violent Hands upon the Person of his most Sacred Majesty and the Prince of Wales*; because it appear'd by the Report, that the Conspirators only meant the *seizing or assaulting the King's Person*, &c. But he was smartly reply'd to by Mr. Horatio Walpole, who, among other Things, said, 'He was amaz'd to hear such Words come out of the Mouth of a Lawyer, and a Member of that House; but since he had forgot his Profession, and the Place he was in so far, as to make so small a Matter of *seizing the King's Person*, and the Heir apparent, on whom all that is dear and valuable to *Englishmen*, both as Men and Christians, entirely depends, he must take the Liberty to tell him, that much less

less than seizing and assaulting the Person of the King or Prince, is by our Laws look'd upon as an Overt-Act of High Treason." After some other Speeches on both Sides, the Question, as propos'd by Mr. Pulteney, was carry'd without dividing.

Then Mr. Pelham mov'd, That it appears to this House, that *Christopher Layer* in his several Examinations before the Lords of the Council, and the Committee of this House, has grossly prevaricated, suppress'd the Truth, contradicted himself, and endeavour'd, as far as in him lies, to disguise and conceal the said horrid and detestable Conspiracy: And being seconded by the Lord *Tyrconnel*, the said Question was also carry'd without any Division.

After this, Mr. Attorney-General mov'd, that it appears to this House, that *John Plunket* has been a principal Agent and Instrument in the said horrid and detestable Conspiracy, and has carry'd on several treasonable Correspondences to procure a foreign Force to invade these Kingdoms, to raise Insurrections and a Rebellion at Home, and was engag'd with others in the villanous and execrable Design of laying violent Hands upon his Majesty's most Sacred Person. This Question being likewise carry'd with very little Opposition, and without Division; Mr. Attorney-General mov'd again, that Leave be given to bring in a Bill to inflict certain Pains and Penalties on *John Plunket*. He was seconded by Mr. *Ouseley*, but tho' the said Motion was warmly oppos'd, yet after a long Debate, it was carry'd by a Majority of 289 against 130, that the said Bill be brought in; and then the House adjourn'd till the 11th of March.

We took Notice above, that on the 1st of March, *William Pulteney*, Esq; Chairman of the Committee appointed by the House of Commons to examine *Christopher Layer* and others, reported the Matter as it appear'd to them; which Report he read in his Place, and afterwards deliver'd it in at the Table, with several Appendixes. The next Day, (March 2.) the House proceeded to take that Report into Consideration; and after the reading of it by the Clerk, the farther Consideration was put off 'till the 7th; and in the mean time, it was order'd, that the Report with the Appendixes should be printed, which was done accordingly. This Report containing 76 Pages in *Folio*, we hope the Readers will be contented with the following Abstract of the most material Parts of it.

*Abstract*



*Abstract of the Report from the Committee appointed to examine Christopher Layer, &c.*

IN the first Place, the Committee observe in general, that a Design has long been carrying on by Persons of Figure and Distinction at Home, in Conjunction with Traitors abroad, for placing the Pretender on the Throne of these Kingdoms. That various Methods have been attempted, and various Times fix'd for putting this Design in Execution. That the first Intention was to have procur'd a regular Body of foreign Forces to invade these Kingdoms at the Time of the late Elections; but that the Conspirators, being disappointed in this Expectation, next resolv'd to make an Attempt at the Time that it was generally believ'd his Majesty intended to go to *Hanover*, by the Help of such Officers and Soldiers as could pass into *England* unobserv'd from abroad, under the Command of the late Duke of *Ormond*, who was to have landed in the River with a great Quantity of Arms, provided in *Spain* for that Purpose, at which Time the *Tower* was likewise to have been seiz'd, and the City of *London* to have been made a Place for Arms; but this Design being also disappointed, by the Discoveries made in *England*, and his Majesty's putting off his Journey, by the Encampment of his Forces at Home, as well as the sending for those from *Ireland*, and by the Readiness of his Majesty's good Allies the *States-General*, to assist him in Case of Need, by the Orders given in *Spain*, that the late Duke of *Ormond* should not be suffer'd to embark, and the like Orders issu'd in *France*, that he should not be suffer'd to pass through that Kingdom, the Conspirators found themselves under a Necessity of deferring their Enterprize 'till the Breaking up of the Camp: During which Interval, they were labouring by their Agents and Emissaries to corrupt and seduce the Officers and Soldiers of his Majesty's Army, and depended so much on this Defection, as to entertain Hopes of placing the Pretender on the Throne; though they should obtain no Assistance from abroad, which nevertheless they still continued to solicit for.

The Truth and Reality of these wicked Designs, the Committee are of Opinion, will appear confirm'd to the House by concurrent and unquestionable Advices, from almost all Parts of *Europe*, sent by Persons who

appear to have had no Communication with each other ; which Advices have again been verify'd and supported by several Discoveries made at Home, by the Informations and Confessions of some of the Persons concern'd, as well as by a long and regular Series of Correspondence, which the Conspirators have furnish'd the Government with against themselves, the several Branches of which appear to the Committee connected with one another, and all concurring in one continu'd Design of subverting our present happy Establishment, and involving these Kingdoms in Blood and Confusion.

That the first Design was to have been executed during the Elections, and to have been supported by foreign Forces, is collected from the following Circumstances.

*Philip Neynoe*, Clerk, (who was drown'd in attempting to make his Escape from the Messengers) declar'd upon his Examination before some of the Lords of the Council, *That he had been employ'd by George Kelly, and one Watson, whom he took to be the late Earl Marischal, and who was in England last Spring, to draw up three several Memorials to the Regent of France, to solicit him to send Forces to the Assistance of the Conspirators. That the last of these Memorials was drawn up in December 1721, and contain'd a Demand of five thousand Men to be sent over by the Regent to invade these Kingdoms.*

This is confirm'd by unquestionable Advices from France, of the 19th of April last, in which it is expressly affirm'd, *That repeated Application had been made to the Regent for some time past, to furnish only a Body of three thousand Men, by the Help of which the Conspirators made no Doubt but to be able to place the Pretender on the Throne.*

*Lacy* at his Examination before a Committee of Lords of the Council, confess'd, ' That being in Discourse with Lord Orrery, soon after his first Acquaintance with him, (which was before the Encampment) Lord Orrery said, Nothing could relieve the Nation, but a Restoration; and that he would be glad if he could contribute to bring it about; that it must be done by foreign Forces, and could be done no other Way; that he often ask'd Lord Orrery, what Methods they had taken to procure them? That Lord Orrery said, they had Friends abroad that had made Application to the Regent for Assistance to bring about a Revolution; but he does not know whom his Lordship meant; General Dillon

‘Dillon might be his Correspondent, for ought he knew; that Lord Orrery likewise told him, the Regent might be brought to wink at any Thing, but was so perfidious, that he was not to be trusted, and that the French had made a Tool of the Pretender.

Layer repeated the same in Part at two other Examinations before his Tryal, and has since confirm’d to the Committee, upon his Examination at the Tower, That Lord Orrery declar’d himself constantly of Opinion, that nothing could be done to any Purpose in the Pretender’s Favour, without foreign Forces.

About the latter End of April, a Letter was intercepted here, coming from Spain, enclosing the Copy of one from O—— to L——, which was, as there is Ground to believe, from the late Duke of Ormond, in which, Ormond says, ‘Pray tell Mrs. Chaumont, that since the Parliament is dead and gone, I think it is a good Time to make an Effort, when the Elector is gone to Hanover.’ It will appear from the Sequel of this Report, that by Mrs. Chaumont, is probably meant the Pretender.

On the 23d of April, another Letter was intercepted, sign’d 1387, and directed to Mr. Jackson, which the Committee have good Reason to believe was from the Bishop of Rochester to the Pretender; in this Letter he says, ‘Notwithstanding this Opportunity is elapsed, I agree with you another may offer before the End of the Year, tho’ not perhaps every Way so favourable.’ This Letter was writ on the 20th of April, when most of the Elections were over, and consequently that Opportunity was elapsed.

That an Insurrection was thought of at the Time of the Elections, is farther confirm’d from the following Particulars; Neynoe declar’d, that Thomas Carte made two Expeditions in the Spring (during the Elections) one into Cornwall, and another into the Counties of Warwick, Nottingham, Derby, and Stafford; and that upon Neynoe’s blaming the riotous Conduct at the Coventry Election, Carte reply’d, Hang the Election, you never saw Fellows of such Mettle, so well train’d, so fit for Business.

Among Mr. Dennis Kelly’s Papers was seiz’d an exact List of the Quarters of all his Majesty’s Forces in Great Britain, about the Time that they were drawn out of most of the great Towns and Boroughs on Account of the Elections.

From

From all these Circumstances the Committee see Reason to conclude, that the first Design was to have been executed with the Assistance of foreign Forces, at the Time of the Elections; that the Pretender, the late Duke of Ormond, Lord Orrery, and the Bishop of Rochester, were of this Opinion; that Memorials were drawn up here, to be presented to the Regent for this Purpose, and that those Memorials were actually presented, or at least, Application made to the Regent in Consequence of them, by Directions from Persons in England; and that such Dispositions had been made for this Enterprize at that Time, as broke out into Riots at some of the Elections; which must have be allow'd to have been no unfavourable Juncture for such an Attempt, considering the Discontents occasion'd by the late South-Sea Scheme, which the Conspirators have all along flatter'd themselves they should be able to improve into a Spirit of Rebellion; and the Liberties usually taken at such a Season, when all the Freeholders of England are necessarily assembled together, and when the whole Nation is too apt to be in a Ferment, even in the quietest Times.

This Design failing, on Account (as 'tis reasonable to believe) of the Conspirators not being able to obtain the Forces they solicited from abroad, and of their being themselves divided in Opinion as to the Time and Manner of Execution, their next Endeavour was to attempt an Insurrection at the Time when they suppos'd his Majesty would be going to *Hanover*.

*L'ayer* confess'd to the Lords at two several Examinations previous to his Tryal, and has since confirm'd to the Committee, that he made Application to Lord Orrery to stand Godfather to his Child for the Pretender, intending that this Mark of Kindness from the Pretender should serve as a Credential to Lord Orrery, to induce him to converse freely with him, in Relation to the Pretender's Affairs: That their Acquaintance having begun in this Manner, Lord Orrery sent to him to enquire into the Pretender's Character and Qualifications, and ask'd him several Times whether he had any Recommendation from the Pretender to any Person; there upon his answering No, his Lordship told him, that he seem'd to be an honest Man, and People of his Integrity should be always welcome to him, whether they had any Credentials or no; that he, *L'ayer*, then gave his Lordship an Account of what had pass'd between

tween the Pretender and him during his Stay at Rome, and ask'd his Lordship what Hopes there were? To which his Lordship answer'd, that there were Hopes, for all the Nation were generally for the Pretender, except such as had Places, or Money due to them from the Government; that Lord Orrery farther told him, that Lord North, Sir Harry Goring, Lord Strafford, and others, were going to do a rash Thing in Favour of the Pretender, which he, Lord Orrery, was sorry for, because it would prove abortive, and hinder its succeeding another Time; that L<sup>ayer</sup> ask'd him, who was to have the Command, and Lord Orrery told him, he believ'd Lord North and Grey was to have the Command, and that the said Lord had a Commission from the Pretender; that the Lord Orrery call'd this Design rash, because not duly concerted, nor supported by foreign Forces, without which, he said, he thought, they must be more than Madmen to hope to do any thing to effect, for the Pretender's Service. That he, L<sup>ayer</sup>, the next Time he saw the Lord North and Grey, which was before the Encampment of the Troops, acquainted him with what Lord Orrery had said about the Rashness of the Design; that Lord North and Grey reply'd, Lord Orrery was a timorous Fellow, and was always making Difficulties, and Schemes out of his own Brain; that he knew nothing, nor should know; but that it was his, Lord North's Opinion, the Pretender might be restor'd by the People of England, without the Assistance of any foreign Force. That he, L<sup>ayer</sup>, talk'd to Lord North and Grey of his Lordship's being General, but Lord North said, he was not popular enough, that the Duke of Ormond would be fit for it, and if they had him here, his Lordship believ'd most of the Soldiers would join him; that he, L<sup>ayer</sup>, continuing to press Lord North and Grey on this Head, by telling him that he was fitter for a General, and was popular, the said Lord answer'd No, the Duke of Ormond was the Man, he was the Soldiers Darling. That he, L<sup>ayer</sup>, often talk'd of this Affair to the Lord North, being induc'd so to do, by the Impatience he observ'd in him, and in Lord Orrery, that something should be done.

It appears to the Committee from several Depositions on Oath, as well as from Informations and written Intelligence, that in Consequence of this Design of bringing over the late Duke of Ormond, Captain Charles Halstead, a Lancashire Man (who was concern'd in the Insurrection

Insurrection intended at *Oxford*, in the Year 1715) set Sail from the River for *Bilboa*, about the 12th Day of March, 1721-22, on Board the Ship *Phineas of Bristol*, *William Arnold*, Master, with a Provision of Arms and Powder on Board, which one of the Sailors on his Examination, declar'd, he apprehends to have been greater than was necessary for an ordinary trading Voyage. That the said Ship was hir'd at 100*l.* Freight per Month, 200 being paid in Advance (as *Halfstead* himself own'd) and had no Goods nor any Passenger on Board, except the said *Halfstead* who went by the Name of *Nowell*, and was known to the Master and Sailors by that Name only, during the Voyage to *Spain*. That the said Ship was clear'd at the Custom-House in Ballast for *Lisbon*; but that when they came into the Bay of *Biscay*, the Master, who had Orders to follow *Nowell's* Directions, gave private Instructions to the Pilot to steer to *Bilboa*; that they arriv'd there on the 25th of March, O. S. and that *Halfstead* went on Shore, and lay that Night at Mr. *Brown's*, an *Irish* Merchant, and the next Day went forward towards *Madrid*, being furnish'd with Horses by the said *Brown*, on which Journey he was absent about a Fortnight; that during his Absence, a Report was current all over the Town of *Bilboa*, and particularly among the Convents, that the said Ship was come to fetch over the late Duke of *Ormond*; and *Thomas Carter*, one of the Sailors of the said Ship, who was employ'd by *Halfstead* to wait on him as a Servant, has depos'd upon Oath, that three Days after the said *Nowell's* Return, the Deponent heard him propose to the abovenam'd Captain *Arnold*, to carry the late Duke of *Ormond* and four other Passengers to *England*; which the said Captain *Arnold* refusing to do, the said *Nowell* insisted, saying, the Ship was his so long as he paid the Hire of her, and the Wages and Victualling; and they had high Words upon it. *Carter* farther depos'd, that *Halfstead* receiv'd a Letter directed to Colonel *Nowell Butler*, which was the Name the said *Nowell* went by, when he was in *Spain*, That when the Ship was releas'd, they ply'd off and on about four Hours off St. *Andero*, expecting some Body to come off in a Boat, but no body coming, and the Night drawing on, they made the best of their Way to *England*, and arriv'd in the Downs the Beginning of July last. *Allison*, who came over to *England* a Passenger in the said Ship, has depos'd upon Oath, that he left *Madrid* on the 4th of June, N. S. and that some Time before

before he came away, the late Duke of Ormond, who had resided a considerable Time at *Madrid*, had sent away his Horses and Equipage from thence, and put his Servants on Board-Wages, and that it was reported he was to go to *Ventofilla*. That he, *Allison*, upon his coming to *Bilboa*, found the Ship *Phineas* bound for *England*, but stopped; that he agreed to take his Passage on Board her, and going to the Corregidor of *Bilboa* for a Pass, he found there Mr. *Brown*, a Merchant, and one who went by the Name of *Nowell*; that *Brown* asking the Corregidor why the Ship was stopp'd, he said, it was not the Ship, but *Nowell's* Person that was detain'd, by Orders from *Madrid*; that he, *Allison*, heard a Report at *Bilboa*, that the late Duke of Ormond was on the Coast in Disguise, and that *Nowell* had been at *Madrid*, and come back again in fifteen Days, the Expedition of which Journey, and the Ship's coming in Ballast, had rais'd a Suspicion in *Bilboa*, that *Nowell* came over to the late Duke of Ormond, on Account of the Conspiracy. The Sailors observ'd, that during *Nowell's* Stay at *Bilboa*, Brigadier *Campbell*, (a Person concern'd in the *Preson* Rebellion) was frequently on Board with him, but did not care to own his Name. The same Particulars are confirm'd by Letters from Sir *Anthony Wescomb*, who was sent to *Spain* to gain Intelligence, with several other Circumstances relating to Ships, Arms and Recruits, provided for the Pretender's Service in *Spain*.

During these Transactions, Colonel *Stanhope*, his Majesty's Ambassador at *Madrid*, who does not appear to have known any thing of this Ship's being come to *Bilboa*, having receiv'd Intelligence from other Hands, that the Duke of Ormond was preparing to set out for *England* with some *Irish* Officers, in Order to put himself at the Head of the Rebels, obtain'd Orders from the Court of *Madrid*, to hinder the late Duke of Ormond's Embarkation, as will appear more fully in the remaining Part of this Report.

In Consequence of these Orders, the King of Spain's Officers came on Board the Ship, and laid an Embargo upon her for about a Fortnight, 'till *Halstead* finding himself disappointed of his Design, agreed that Part of a Cargo of Wool and Iron should be put on Board the said Ship, by *Brown* and *Slinger*, and then return'd to *England* with one *Maxwell*, whom the Sailors understood to be a Relation of the late Lord *Marr's*, and two

other Passengers, and arriv'd in the River about the 7th or 8th of July.

It was reasonable to expect, that in managing Correspondences of so hazardous a Nature, all Sort of Art and Industry should be us'd, and all the Help of Cyphers and Jargon call'd in, to disguise the real Designs, and to conceal the true Names of the Persons concern'd, in order to their avoiding the Danger of legal Conviction : But the Committee likewise observe, that several of these Disguises are so gross and obvious, that they only serve to betray themselves ; others of them are explain'd by the Skill of different Decyphers, agreeing in the same Explication, which Explication is again confirm'd by Facts unknown to those Persons at the Time of the Decyphering. Others are explain'd by Cyphers and Lists of fictitious Names, seiz'd on the Conspirators themselves, as well as by comparing the several Parts of their Correspondence together ; and others again by direct Informations upon Oath. And, as the Degrees of Evidence, in a Search of this Nature, must be various, the Committee have taken all the Care they can, to distinguish what appears to them fully prov'd, from what is supported by strong and probable Conjectures only.

The Committee are of Opinion, that by *M* in an intercepted Letter to *Dunville*, a Person unknown, is meant *Morgan*, who is mention'd in several Letters from *Spain*, as Intendant of the Pretender's Ships at *Cadiz*, and active in procuring Officers and Arms ; which Letters are confirm'd by the Seizure of the Ship *Revolution* at *Genoa*.

In this intercepted Letter to *Dunville*, was inclos'd the Copy of a Letter from the late Duke of *Ormond* to *L*. (a Person unknown) intimating his having receiv'd an Account from *D* ——— (General *Dillon* probably) that he had procur'd ten thousand Arms, and says he can only depend on two thousand Arms from *M* ——— (*Morgan* probably) but that he could have had more Arms, if he had had more Money.

The Committee observe, that this Account of ten thousand Arms procur'd by *D* ———, and of two thousand by *M* ———, agrees exactly with an Account sent soon after from *Mrs Stanhope* at *Madrid*, and confirm'd by Sir *Anthony Wescomb*, that twelve thousand Arms were lodg'd in the Hands of *Brown* at *Bilboa*, for the Pretender's Service, and that *Morgan* was order'd to the Bay



Bay of Biscay, in order to transport the said Arms to England.

The Circumstance of Kelly's mentioning these Arms to Dillon's Secretary, makes it probable, that by D. in Ormond's Letter, is meant the said Dillon, who, as the Committee are inform'd, is an Irish Roman Catholick, and quitted Ireland, on the Capitulation of Limerick, and is at present a Lieutenant-General in the French Service, and has the Command of one of the Irish Regiments in France; and he appears to your Committee, from several Parts of the intercepted Correspondence, to have the chief Management of the Pretender's Affairs, and to be the principal Agent and Director of carrying on this Conspiracy.

Ormond in his Letter to L—— afterwards says, That since the Parliament is dead and gone, he thinks it will be a good Time to make an Effort when the Elector is gone to Hanover; and adds, I hope you have agreed with D—— the Time of going for England, and when that is fix'd between Mrs. Chaumont and D——, you will let Ormond know the Place of landing in England. I desire an Express may be sent to me, with particular Accounts of what is agreed on. This, the Committee take Notice, agrees with Mr. Stanhope's Intelligence, that Ormond was going for England; and likewise with Intelligence sent from Rome, that the Pretender was to embark, as soon as two Officers, Relations of the late Duke of Ormond, should arrive at Porto Longone; which Circumstance makes it not improbable, that by Mrs. Chaumont, may be meant the Pretender.

To whom these Letters were writ does not appear, but the Committee observe, that they are writ in the same Cypher, with three Letters, which they have Grounds to believe, were from the Bishop of Rochester; they observe likewise, that the same Cypher is sometimes made Use of by George Kelly.

That the late Duke of Ormond was expected to head an Insurrection in England, is farther confirm'd by the following Particulars.

Neynoe, upon his Examination before a Committee of Lords of the Council, declar'd, that the first Design in the Spring was to have been executed in London, by seizing the Tower, and that the late Duke of Ormond was then to have landed in the River; but upon Discovery of the Plot, and the King's not going beyond Sea, it was put off for some Time; that the Bishop of Rochester,

Lord Orrery, Lord North, and Sir Harry Goring, were the principal Leaders and Directors of the whole Design; and that *Watson* (whom he took to be the late Earl *Marischal*) had told him, Lord North and Grey was thought of for the Command.

On the 29th of April, O. S. Intelligence came from France, That the Week before, the late Duke of Ormond had made Application to the Regent by a Person of great Distinction, for Leave to pass through France, under a Pretence of going into Italy, but that the Regent had absolutely refus'd him, and at the same Time had dispatch'd the necessary Orders to the Frontiers of Spain, to hinder him from passing either openly or in Disguise.

On the 2d of May, O. S. Sir Luke Schaub sent Advice, "That one *Lesly* had been looking out for Lodgings at Paris, for the late Duke of Ormond; and on the 9th, that Alderman *Barber* carry'd with him Bills of Exchange for fifty thousand Pounds Sterling for the Pretender, and that the same Sum was sent to Ormond by another Hand, to enable him to make the necessary Preparations in Spain and Italy." The Committee observe, that this agrees, as to the Division of the Money, with a Passage in another Letter from *Dillon's* Secretary to *George Kelly*, dated the 2d of May, N. S.

*Andrew Fancier*, formerly Captain-Lieutenant of Lord *Cobham's* Dragoons, has depos'd upon Oath, that being grown intimately acquainted with *Skeene*, (now in Custody) a Person related to *Marr*, and engag'd in the Rebellions of *Preston* and *Glensfield*; *Skeene* began to acquaint him, about June last, that there was a Design carrying on in England, for placing the Pretender on the Throne, of which he at different Times told him the following Particulars: That six or eight Battalions of Irish Foot double officer'd, were to have come over from Spain, which were quarter'd upon the Coast of *Galicia* for that Purpose; that the nine Spanish Men of War which have join'd the Dutch, and four more to have been fitted out at *Barcelona*, and three at *Alicant*, (as he best remember'd) being in all sixteen Spanish Men of War, were to have been employ'd in this Service. That these Troops were to have landed either in *Cornwall*, or near *Bristol*: That there were forty thousand Stands of Arms in Great Britain, Part in Scotland, other Part in London, other Part in *Bristol* and other Part in *Cornwall*. That there were seven or eight Hundred Men with Officers among them in London, subsisted, and in Readiness for such an Occasion.

That

That a Sum of two hundred thousand Pounds had been rais'd by Contribution for carrying on this Design, and put into the Management of the Bishop of *Rocheſter*, who with the Lord *North* and *Grey*, were the leading Men among them, and that Lord *Strafford* and Lord *Kinoule* knew the Thing. That the Managers of this Affair in *Spain*, were the late Duke of *Ormond*, and the late Earl *Marſchal*, and thoſe in *France*, the late Lord *Marr*, and Lieutenant-General *Dillon*. That the Court of *Spain* was in their Intereſt, but as to the Regent and Cardinal *Du Bois*, they could not tell what to make of them; that this Deſign was to have been executed ſome Time ago, but was then diſappointed by the Regent; that the late Duke of *Ormond*, and the late Earl *Marſchal*, were to have come with the Troops beforemention'd, from *Spain*; and the Pretender about the ſame Time, was to have left *Rome* privately, and to have lain conceal'd ſomewhere near, from whence he would have come over, when there had been a fair Proſpect of Succeſs. That as to any Oppoſition they could expect, we had but fourteen thouſand Men in all, of which three thouſand were neceſſary to guard *London*, three thouſand more for *Scotland*, and two thouſand for the Garrifons, ſo that the Remainder, would never dare to attack thoſe who came from *Spain*; and in the Confuſion, their (meaning the Pretender's) Friends would have been able to have got together, and made a Head. That in the Conduſt of this Affair there paſſ'd little in writing, and only the four Lords beforemention'd, viz. the Biſhop of *Rocheſter*, and Lord *North* and *Grey* principally, and Lord *Strafford*, and Lord *Kinoule*, were concern'd in the Management of it here; that the Buſineſs was to have been done before the *Dutch* Troops could come to our Aſſiſtance.

The Committee have laid theſe ſeveral Particulars together, though of different Dates, that the Houſe may ſee at one View, the Reaſon there is to believe, that the late Duke of *Ormond* was to have landed in *England*, with Officers and Arms, about the Time that it was generally ſuppos'd, his Maſteſty intended to go to *Hanover*. The Reaſon of *Ormond*'s not coming, is ſufficiently explain'd by the Orders iſſu'd at *Madrid*, and in *France*, by the King's not going abroad, and by the Diſcoveries, and Diſpoſition of the Forces made in *England*. And Notice is taken, in Letters to one of his Maſteſty's Secretaries of State from *Rome*, that a Perſon of great Diſtinction at that Place, had declar'd it as his Opinion, that

that the grand Project form'd in the Conclave for placing the Pretender on the Throne of Britain, was going to be put in Execution; but that the same Person afterwards assign'd four Reasons for its having miscarry'd, which were, the Want of Money, the suspected Faith of the Regent, the Want of Skill in those who were to conduct it, and the Pusillanimity of the Pretender, who to avoid hazarding his own Person, propos'd to send his Child; which last Particular is again mention'd in another Letter from Rome.

The Committee now return to shew what other Evidences they have before them, of a Design laid for beginning an Insurrection in London, at the Time when it was supposed the King intended to go to Hanover.

About the latter End of April, his Majesty receiv'd Intelligence from abroad, upon which he can entirely depend, That a Design was laid for bringing in the Pretender, which was thought to be so well concerted, and conducted by Persons of such Experience, that if the Secret was but kept, as was propos'd, the Success was look'd upon as infallible, and that it was to be put in Execution about the End of April, or Beginning of May.

On the 19th of April, the same Intelligence was repeated, with these farther Particulars, 'That the Conspirators did no longer think it necessary to insist on foreign Assistance, flattering themselves that great Part of the King's own Forces would declare in their Favour. That they now contented themselves with desiring the Regent should observe a Neutrality between his Majesty and the Pretender; and that Lord Lansdowne was to present, or cause to be presented, a Memorial to the Regent, to this Effect, that Day or the next. That the Design was probably to be executed in London, that the Beginning of May was the Time fix'd on, and that the Pretender was speedily to set out for England,

The Committee do not find, that the abovemention'd Memorial was presented to the Regent; but in Letters from Plunket to Dillon, they find the same repeated in these Words; 'If the Regent stands neuter, we will soon bring the Law Suit to bear;' which *Loyer* explain'd to be the Pretender's Cause.

On the 24th of April, O. S. Mr. Davenant, his Majesty's Minister in Italy, sent an Express from Rome, with Advice, that the Pretender's Adherents were making Preparations in Cadix, and other Ports of Spain, for

an Attempt on *England*; that the Pretender was speedily to embark at *Porto-Longone*, and was retir'd from *Rome*, for that Purpose; and it appears, that the same Advice was soon after confirm'd to his Majesty, by a foreign Minister residing in *England*, who receiv'd the Intelligence from a Person of great Distinction abroad, and communicated it to his Majesty.

On the 9th of *May*, Mr. *Crawford*, his Majesty's Resident at *Paris*, writes Word, 'That the *Jacobites in France* expected soon an Insurrection in *England*, which was to be begun by the Heads of their Party here, soon after his Majesty's setting out for *Hanover*, and was to be supported by *Irish* Officers and Soldiers, who lay ready at *Cadix*, besides such as should be able to pass over into *England* from *France* by Stealth;' and in his Letter of the 26th of *May*, O. S. he adds, 'That the Grounds of this Expectation were Assurances given from *England*, that the Conspirators would immediately make themselves Masters of the *Tower*, and City of *London*.'

This Intelligence agrees with a Paper deliver'd to the Secretaries of State in *July* last, by one of the Lords of his Majesty's Council, who, as they have certify'd, assur'd them, that a Person, whom he had good Reason to believe to be deeply concern'd in the Conspiracy, came to him in the Month of *July*, and brought him a Paper, which he affirm'd he had copy'd by Stealth out of the Scripture of a noble Lord, whom he refus'd to name; and that the said Person writ out a fair Copy of the Paper in his Presence, which contains Minutes of Resolutions taken at a Consultation, and is in the following Words.

*R.* That the Arms be dug up immediately, and dispers'd in small Parcels. Begin in *Southwark*, *Whitechapel*, *Wapping*, *Holborn* and *Smithfield*. March into City. Possess the Gates. Against the Horse, Barricades in the narrow Streets, especially at both Ends of *Fleet-bridge*, *Shoe-lane*, *Fetter-lane*, and *Chancery-lane*. Possess *St. Clement's Churchyard* by a Party from *Holborn*. A strong Barricade in the narrow Part of that Street. Line the two first Stories. Bricks, Stones, &c. may be useful in the upper Rooms, and may be thrown by Women, and others unfit to bear Arms. Lighters, with Ammunition under Coals, lie at *Blackfryers*, and *Milford-lane*. No Dependence or Assistance from *Westminster*, and those Parts, except some few by Water, the Communication being

being cut off. Message to the Lord Mayor by three Lords. Proclamation made to oblige all who shall not come in, to bring in their Muskets and Militia Arms. Declaration ready printed, to be dispers'd among the People. Twenty three Officers of the Guards to be depended on: A great many others well affected, especially the common Centinels. Day resolv'd on *April* the 30th. R. That forty determin'd Persons be immediately pitch'd upon, arm'd with Swords and Pistols, to execute all Orders, and that for the Subsistence of the said forty Gentlemen, Money be advanc'd out of the Fund, at the Rate of seven Shillings *per Diem*, for Man and Horse. Commander in Chief Lord N. Time, 7 in the Morning.

Dis: C. W. M.

The Committee observe, that this Scheme drawn up in *April*, and deliver'd as aforesaid to one of the Lords of the Council, in *July* last, has a near Affinity with that of *Layer*, and appears to be the Groundwork of it, tho' *Layer* denies his having ever seen any such Paper of Resolutions, or having receiv'd any Instructions relating to his Scheme, except from *Wilson* a Surgeon, *Murphy* a Physician, and *White* a Serjeant.

The Committee likewise observe from this and *Layer's* Scheme, as well as from a Letter of *Sample's*, that the involving the City of *London* in Blood and Confusion, appears to have been universally understood and agreed on among all the Conspirators, as the first Step to be taken, and the Foundation of their future Hopes.

By another Paper deliver'd in *July* last, by the same Person, it appears, that when the Stroke was struck in *London*, there were to be Insurrections in several Counties of *England*, and that the Numbers of Gentlemen and private Men, to be depended on, both in *London*, and the Country, were computed and set down; and the Committee observe, that the extending the Insurrection to the Country, after *London* was seiz'd, makes likewise a Part of *Layer's* Scheme, and *Sample's* Letter.

The Committee farther take Notice, that in these Schemes as well as in *Pancier's* Deposition, Mention is made of great Quantities of Arms conceal'd for the Use of the Conspirators; and *Layer* having confess'd at his Examination before the Lords, that he suppos'd there were Arms provided, and that *Green*, the Gunsmith, being

being in Company with Lord North, had mention'd five thousand Arms and seven thousand Arms, and insisted, in Contradiction to Lord North, who bid him hold his Tongue, that there were five thousand Arms ready in the City: The Committee examin'd him particularly on this Head, but could draw nothing more from him, than that Green had told Captain Bony at Lord North's, that he could help him to five or seven thousand Arms at an Hour's Warning. And tho' the Committee is fully satisfy'd that no Care has been wanting elsewhere to discover these Arms, and to defeat the Conspiracy in so essential a Circumstance, yet they cannot but think it a melancholy Consideration, that through the determin'd Obstinacy of the Conspirators, these Endeavours have hitherto prov'd unsuccessful.

The Committee observe farther, that a Design was form'd by Persons of Distinction, to invade these Kingdoms with a foreign Force; that the Design was constantly prosecuted in all Parts, without any other Relaxation or Intermision, than what the Necessity of their Affairs, and the Discoveries made, oblig'd them to, in order to lay their Measures deeper, and to make the Success of them more certain; and that the Enterprize, which was first calculated for the Spring, was to have been afterwards put in Execution at the breaking up of the Camp, with the Help of Officers and Soldiers from abroad, if they could be obtain'd; if not, on the Strength of such as they hop'd to be able to corrupt and seduce among His Majesty's own Forces. And that the Leaders, in order (as 'tis natural to believe) to save themselves from the Danger of legal Conviction, chose to manage their Correspondences by the Intervention of Persons of a meaner Rank and Figure, and of desperate Fortunes, who, they hop'd, might escape the Observation of the Government; being no otherwise considerable, than as the Trust repos'd in them, made them so. Of these inferior Agents, Laver appears to have been principally intrusted by Lord North and Grey, and Lord Orrery; and Plunket, who travell'd with Laver to Rome, and whose treasonable Practices and Correspondences are closely connected with those of Laver, writes of himself as transacting Part of his Treasons with Lord Orrery's Clerk, and sends frequent Accounts to the Pretender's Agents abroad, of Matters relating to the said Lord.

George Kelly, a nonjuring Clergyman, appears to have been the Person principally entrusted by the Bishop of Rochester,

*Rocheſter*, and to have been employ'd in writing for him, and conveying Letters to him, until the Time that he, *Kelly*, was firſt taken into Cuſtody; after which, it appears to the Committee, that *Thomas Carte*, another non-juring Clergyman, was entruſted and employ'd by the Biſhop in the ſame Manner; and the Committee obſerve, that *George Kelly's* Correſpondence has a cloſe Connexion with that of *Dennis Kelly*, and likewiſe that he appears to have been privy to *Plunket's* and *Neynoe's* Tranſactions.

The Perſon employ'd by the Duke of *Norfolk*, in conveying Letters between him, and *George Jernegan*, an Agent of the Pretender's in *Flanders*, they find to be *Mrs. Spelman*, alias *Yallop*, who has likewiſe own'd her conveying Letters in the ſame Manner between *Mr. Harvey of Comb*, and one *Moore of Brownloe-ſtreet*, and the ſaid *Jernegan*; the Committee obſerve, that *John Sample*, aſſed under the Direction of *Mr. Sempill* (commonly called *Lord Sempill*) and his Son at *Paris*; and that he wrote Letters to the late Duke of *Ormond* and the Pretender; but whom he tranſacted Matters with in *England*, the Committee do not find, by his Examination, he would declare.

The Committee farther obſerve, that this treaſonable Correſpondence extended itſelf into *Scotland*; that *William Ereskine* remitted Money to *France* for the Service of the Pretender's Friends, and had a Letter under the late Lord *Marr's* Hand found upon him, when he was taken into Cuſtody. That *Mr. Cockran* now in Cuſtody, and others of that Country yet unknown, were concerned in the ſame treaſonable Correſpondence, carry'd on under the ſame ſeditious Names and Expreſſions, that are made Uſe of by ſeveral of the Correſpondents in *England*; and that the ſame Cant was likewiſe made Uſe of, for the ſame Purpoſes, by Perſons in *Ireland*.

The Committee have thought it proper to lay before the Houſe, ſuch Particulars as occur to them relating to each of theſe Negotiations, and to begin with thoſe of *Layer* and *Plunket*.

*Mr. Layer* own'd, partly to a Committee of Lords of the Council before his Tryal, and partly to the Committee, that being bred up under an Uncle who was a Non-juror in *Norfolk*, he early imbib'd thoſe Principles; that having a private Affair to tranſact at *Venice*, this, and a natural Inclination and Curioſity, which he had always had to ſee the Pretender, carry'd him on to *Rome*; that he ſet out from *England* on the firſt of *April*, 1721, in Company



pany with *John Plunket* now in Custody, who went sometimes by the Name of *Rogers*, whose Expences he bore on Account of his being useful to him, as speaking several Languages. That he believes from the Time of his first acquainting *Plunket* with his intended Journey (which was some Months before their setting out) the said *Plunket* in order to magnifie his Services to the Pretender and his Adherents, might write to General *Dillon*, and others of them, that the was going to *Rome* with a Friend, and that his and his Friend's Journey would be of great Consequence to the Pretender's Affairs. But this Particular he did not own 'till the Review of his Examination, when he found the Committee were appriz'd that Notice had been sent to *Rome* of his Journey; for he insisted at first, that his Journey to *Rome* was purely accidental, and not concerted with the Pretender, or any of his Agents.

He farther own'd, ' That in their Way to *Italy*, they pass'd through *Antwerp*, and that *Plunket* there receiv'd a Letter from General *Dillon*, which he shew'd to *Lager*, directing them whom to apply to, on their Arrival at *Rome*, to introduce them to the Pretender; and when he found the Committee were in Possession of that Letter, he own'd, that *Francis Kennedy* was the Person they were directed by *Dillon* to apply to.

That he and *Plunket* arriv'd at *Rome* the latter End of *May* 1721, and that after he had been a Day at *Rome*, he sent to *Francis Kennedy*, Secretary to the Pretender, to let him know he should be glad to see him, and to renew Acquaintance with him. That *Kennedy* came to his Lodgings, which at the same Time he said, he was surpriz'd at it, being in the Face of all the *English* Gentlemen; but that *Kennedy* told him, he need not be uneasy at his coming to his Lodgings openly, since he frequented the Company of all the *English* Gentlemen that came to *Rome*, without Distinction: That at the first Visit, he desir'd *Kennedy* to introduce him to the Pretender, which he promis'd to do. That *Kennedy* came to him again the next Night, and promis'd to introduce him to the Pretender privately in an Evening, so that no Body should be able to prove his having been there. That he believ'd *Kennedy* deliver'd to *Plunket* a Letter under the Pretender's own Hand, when *Kennedy* and *Plunket* were alone together; for the next Morning, as he, *Lager*, was in Bed, in a Room next adjoining to that where *Plunket* lodg'd,

*Plunket* came to his Bed-side, and told him with seeming Satisfaction, that he had got a Letter under the King's (meaning the Pretender's) own Hand, but that *Kennedy* never said one Word of this Letter to him, *Layer*. That *Plunket* shew'd him, *Layer*, the said Letter, the whole of which he believes to have been writ in the same Hand in which the Blank Receipts taken amongst his Papers at Mrs. *Mason's* are sign'd, which he believes to be the Pretender's own Hand.

This Original Letter has since been deliver'd to the Committee, with the Depositions relating to it, by which it appears, that *Plunket* deliver'd it with other Papers to one *Mary Faghan*, about *Michaelmas* last, which was near the Time of *Layer's* being taken up; it is dated *Thursday Morn.* sign'd *James R.* and directed to Mr. *Plunket*, and is in the following Words:

*This is only to direct you not to mention any thing of Business to any Body 'till I have seen you. I have not much Leisure to Night, expecting Visits; but however I shall be glad to see you alone, and agree with you the most private Way and Manner for your Companion and me to meet. The Bearer, Fr. Kennedy, will bring you very privately to my House to Night about Eight a Clock.*

*James R.*

For Mr. *Plunket*.

The Committee observe from this Letter, as well as from other Papers before them, what a Degree of Trust and Confidence *Plunket* was admitted to, (notwithstanding he would endeavour by his present Appearance to make it seem incredible) and perceive likewise by this Letter, that his and *Layer's* Journey to *Rome* had been represented to the Pretender as an Affair of some Importance. And that *Layer* did not undertake so long and expensive a Journey on uncertain Prospects of private Business, or out of meer Curiosity; but that his Journey was concerted with the Pretender's Friends at Home, and notify'd to the Pretender and his Agents abroad, and that he carry'd over with him Tenders of Service to the Pretender from Persons in *England*, as likewise a List of Names, which was of such Importance, and so well understood and expected at *Rome*, as to be mention'd by *Plunket* in one of his Letters to the Pretender without any other Description, than barely that of the List.

*Layer*

*Layer* told the Committee, That on his being introduc'd to the Pretender by *Kennedy* and *Haye*, the Pretender ask'd him the Occasion of his coming, and whether he had any Credentials from People in *England*; that he answer'd, Nothing but Curiosity and a Desire of paying my Duty to your Majesty has brought me hither: That the Pretender ask'd him, what Lords he was acquainted with, to which he answer'd, None but such as he was concern'd with in the Way of his Profession; That the Pretender again express'd himself surpriz'd at his having no Credentials nor Recommendations from any Person in *England*, and said, This Journey must have been very expensive to you, I believe it cannot cost you less than 500 *l.* to which he answer'd, That a private Affair which brought him to *Venice*, would have defray'd the Expence if it had succeeded; but that being disappointed in that, his Inclination drew him on to *Rome*, to pay his Duty to the Pretender, which he had long had in his Thought, so took this Opportunity of doing it; that one *Plunket*, who was now in *Rome* with him, had often told him, he need not fear being introduc'd, or to that Effect; that the Pretender said, he believ'd, that *Plunket* was a very honest Man, and as proper a Person as *Layer* could have had for a Companion.

*Layer* farther said, That the Pretender again repeated his Surprize at his having no Recommendation from any Person in *England*; but said, I am inform'd by *Francis Kennedy*, who knows you, that you have a good Character, and for that Reason you are welcome without any Credentials: Yet the Committee observe, that *Dr. Blackerby Fairfax* (an intimate Acquaintance of *Layer's*) has depos'd upon Oath, That *Layer*, since his Return from *Rome*, told him, that while he was in private Audience with the Pretender, a *Scottish* Colonel broke in upon them, upon which the Pretender took him into another Room, and that he, *Layer*, did there deliver his Credentials to the Pretender.

*Layer* told the Committee, That the Pretender, after the Discourse abovemention'd, ask'd him what County he was of, and what Gentlemen he knew; that he answer'd, he was of *Norfolk*, and knew all the Tory Gentlemen of that County; that the Pretender ask'd him if he could recollect their Names, and put them down in Writing; to which he answer'd, he could easily do that, having brought with him Memorandums of their Names; that accordingly, he drew up a fair List of the  
Tory

Tory Gentlemen of *Norfolk*, and gave the said List to the Pretender at a second Interview, thinking it would be agreeable to him. That the Pretender then ask'd him, whether he would see the Queen (meaning his Spouse) and promis'd she would admit him to kiss her Hand.

That about three Weeks or a Month after, *Francis Kennedy* and Colonel *Hays* appointed him to meet them at the same Place and Time as before, and introduc'd him to the Pretender and his Spouse; that the Pretender then call'd him to him, and ask'd him, whether he had any thing to say in Relation to his List; that he answer'd, he forgot something which he had to communicate to his Majesty; that the Pretender said, his Wife would go out of the Room presently, and soon after spoke to her in *Italian*, to withdraw, as he believes; That the Pretender then as'd him, what he had to say, to which he reply'd, I have nothing so material to offer as ought to have procur'd me this Honour and Indulgence; but if there be any Service on Earth, I can do, I am most ready. That the Pretender said, What can you do? Have you any Acquaintance? To which he reply'd, that all the Persons mention'd in his List were entirely devoted to the Pretender's Interest, and all the Gentlemen in *England* the same, except those in Places of Profit and Trust; and that all Parties were united in his Interest. That the Pretender then ask'd him, What the Gentlemen were, whose Names were on his List? To which he answer'd, they were all Tories, and that he had not put down any of the *Roman* Catholicks of *Norfolk*, of whom there were several Men of Estates. That the Pretender said, he believ'd, the People of *England* were generally well inclin'd to his Cause, and pretty well convinc'd of their Error; and then spoke of the Discontents occasion'd by the *South-Sea* Scheme.

The Committee observe, that in the Cypher, which *Layer* receiv'd from Sir *William Ellis*, the Names of several *Norfolk* Gentlemen are inserted, who, they think it probable, made a Part of the List deliver'd by *Layer* to the Pretender; but at the same Time they think it a Justice due to those Gentlemen, to observe, that *Layer* has own'd to the Committee, that in order to magnifie the Number of the Pretender's Friends, he did in several of the Lists, found among his Papers, insert the Names of Persons, as well affected to the Pretender's Service, without having the least Authority from them for so doing; and his false Assertion to the Pretender, that all  
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the Gentlemen in *England*, except those in Places of Profit and Trust, were entirely devoted to his Interest, shews, that he made no Distinction between the Innocent and Guilty.

He next acquainted the Committee, That after the Discourse beforemention'd with the Pretender in Relation to the List, the Pretender commended his Zeal, and told him, he might depend on any Service he could do him. That he, *Laver*, then desir'd some Token, by which he might obtain Credit among the Pretender's Friends of the Nobility in *England*, and obtain'd that of the Pretender and his Spouse's answering for his Child. He said, that upon his desiring a Letter to the Dutches of *Ormond*, for her representing the Pretender's Spouse, Colonel *Haye* told him, no Letter could be sent by him, but that Care would be taken the Dutches should stand; that he likewise gave him a Message to the Dutches, to this Effect, that the Duke of *Ormond* was well, and gone to *Madrid*, by which, he told him, she would understand the Business he came about. That he return'd to *England* about the End of *August*, or Beginning of *September 1721*, and waited on the Dutches with his Request, adding, that he hop'd she was not altogether a Stranger to that Affair; to which she return'd him no particular Answer, but promis'd to stand Godmother, as he desir'd; that he then made Application to Lord *Orrery* to stand with her; by *Thompson*, whom he took to be her Chaplain, and by *Swift*, Lord *Orrery*'s Secretary; that the said Lord sent to the Dutches, to know whether she stood, who answer'd, that she did; yet Lord *Orrery* refus'd; but upon farther Acquaintance, and hearing that Lord *North* and *Grey* had consented to stand, he sent for *Laver*, and made Excuses to him for this Refusal. That he made Use of this Credential to Lord *Orrery*, to induce him to converse freely with him in Relation to the Pretender's Affairs; having heard that the said Lord was in the Pretender's Interest. That upon his being refus'd by Lord *Orrery*, he made his Application to Lord *North* and *Grey*, who stood for the Pretender. That this Transaction was the Beginning of his Intimacy with Lord *North* and *Grey*.

That the first Conversation he had with Lord *North*, relating to the Pretender's Affairs, was soon after the Christening; that he then ask'd Lord *North*, whether nothing could be undertaken in the Pretender's Favour, his Lordship being a military Man; that his Lordship  
reply'd,

reply'd, he believ'd the Pretender had Friends enough, if they did but understand one another; that the Army in general, and most of the Half-pay Officers were well inclin'd to the Pretender.

That in July last, he, *Layer*, going down to *Norfolk* on the Circuit, call'd on Lord *North* at *Epping*, and again at his Return; that he then ask'd the said Lord again, whether nothing could be done in Favour of the Pretender; that Lord *North* said, how can any thing be done, while so great a Body of Forces is encamp'd under the very Walls of *London*, besides the Encampments in other Parts of the Kingdom? That *Layer* told him, he found most of the Gentlemen in *Norfolk*, that were Tories before, Jacobites now; that Lord *North* and *Grey* said, it was the same in other Counties, but that nothing could be done till the Camp should break up. That upon *Layer's* pressing him to know whether any Scheme was form'd, Lord *North* said, What does your Friend Lord *Orrery* think of Things? That he answer'd, Lord *Orrery* was of Opinion, nothing could be done without a foreign Force; that Lord *North* and *Grey* reply'd, I cannot be of his Opinion, I believe the People of *England* may do it of themselves. That *Layer* visiting him during the Vacation, and staying two or three Days at his House, continu'd to press him about forming a Scheme; that Lord *North* reply'd, *We Soldiers do not trouble our selves much about Schemes, be you quiet, something will be done.* And at his Examination before the Lords, he own'd, that Lord *North* and *Grey* said, if there be a Rising, you shall not want Men, or Money, or Arms.

*Layer* farther gave the Committee an Account of his becoming acquainted with *Lynch*, and of his carrying him to Lord *North* and *Grey*, upon *Lynch's* telling him that he had something to propose to the said Lord, that might be of great Service to the Pretender's Cause. But in giving an Account of what pass'd between *Lynch* and him at the *Green Man*, the Committee observ'd, that *Layer* took great Pains to shew, that he did not communicate any Papers to *Lynch*, 'till after Dinner, and that he then only shew'd him Memorandums transcrib'd out of the Prince of *Orange's* Declaration, though *Lynch* has depos'd upon Oath, that Mention was made in that Paper, of Lord *Cadogan's* being seiz'd and remaining in the Custody of the Conspirators.

He own'd to the Committee his having carry'd *Lynch* to Lord *Cadogan's*, but said, he went thither only in Relation to the Purchase of an Estate; that while they were waiting there in a Room next the Garden, *Lynch* view'd the Garden and House, and said, I can easily seize you this General; but he deny'd their having any previous Discourse to this Purpose, and said, the Proposal arose from *Lynch*, and that he, *Layer*, was mad enough to make it Part of his Scheme.

He said, that when *Lynch* and he came to Lord *North* and *Grey's*, his Lordship ask'd him who *Lynch* was; that he said, he was an honest Gentleman, recommended by a particular Friend; that his Lordship said, I wonder you would bring him, you know I am not easy nor free before Strangers. That however, Lord *North* and *Grey* entertain'd *Lynch* civilly, and after Supper enquir'd of him; Whether he was in the Army? To which *Lynch* answer'd, that he was bred up to Merchandize, but had been with the Pretender in *Scotland*, and had the Command of a Ship under the King of *Spain*, in the Descent on *Scotland*, and enlarg'd much on his Loyalty and Zeal for the Pretender; but that Lord *North* wav'd the Discourse.

The Committee observ'd, that *Layer* in relating what pass'd while *Lynch* was at Lord *North's*, took so much Pains to shew, that Lord *North* and *Grey* could have no private Discourse with *Lynch*, that he left no Room for the said Lord *North's* having had any private Discourse with him, *Layer*, which yet is inconsistent with his Examination taken before the Lords, as well as with his Confession to the Committee; in another Part of which he owns, that while *Lynch* was at Lord *North's*, he, *Layer*, shew'd Lord *North* some Part of his Scheme, or Heads relating to a Declaration, as he was walking with him in the Garden, and that they had some Discourse upon it.

They observe, likewise, that what he own'd to the Committee in Relation to his introducing *Lynch* to Lord *North* and *Grey*, falls very short of what he confess'd to the Lords of the Council on the same Subject, previously to his Tryal; for he then said, that *Lynch* having told him, he would seize Lord *Cadogan*, he carry'd *Lynch* to Lord *North* and *Grey's*, and recommended him as a proper Person for such an Attempt. That he had beforehand propos'd to Lord *North* and *Grey* the carrying *Lynch* to him; that his Lordship made a Difficulty of seeing him, but that he, *Layer*, insisted on *Lynch's* being

an honest Man, fit to be employ'd in an Insurrection for the Pretender, saying, *Lynch* would do any thing his Lordship would have him, if there should be a Rising; that he was fit to be sent with a Party to seize any particular Person, and that *Lynch* was impatient to see his Lordship, *Layer* having told him, that his Lordship was at the Head of those Designs.

*Layer* farther acquainted the Committee, that during his Stay at Lord *North* and *Grey's* at *Epping*, in the Vacation, he again press'd his Lordship to bring Matters to some Issue in Favour of the Pretender, saying, if something be not done speedily, we shall all be taken up; that his Lordship reply'd, Is not the Camp there still? If you can find some Expedient, it would be well, it is more than I can do; that *Layer* said, it was his Opinion something might be done, even during the Encampment; and in order to discover whether Lord *North* and *Grey* and Lord *Orrery* had any Scheme of their own, he drew up a Scheme himself, and having so done, lodg'd it with Mrs. *Mason*, the Day before he was taken up. That he intended to have communicated this Scheme to Lord *North* and *Grey* and Lord *Orrery*; that he had some Discourse with *George Wilson*, Dr. *Murphey*, and others, on the Subject of it, before it was drawn up. Being ask'd who those others were, he said, he could recollect no one else, but one who call'd himself Serjeant *White*, whom he saw in Company with Dr. *Murphey*, at a Tavern, and enquir'd of him, how far some Parts of his Scheme were practicable. That he did shew the Heads of it to Lord *North* and *Grey*, as he was walking with him in the Garden; and that his Lordship said, all was impracticable during the Encampment; but that he never shew'd his Scheme to any Body, after it was drawn up in the Form in which it was left with Mrs. *Mason*; which last Part of his Answer, the Committee observe may be evasive, since by his own Account, as soon as he had drawn it up in that Form, he lodg'd it with Mrs. *Mason*, and the Day after was taken into Custody.

The Committee farther take Notice, that the Accounts he gave when he was question'd before the Lords, whether he had shewn this Scheme to any Body, are inconsistent and contradictory. For in some Parts of that Examination, he says, Lord *North* and *Grey* would not hear of any thing 'till the Camp was broke up; that the said Lord would not see his Scheme; that the said Lord said, he might keep his Heads and his Schemes to himself,



himself, for there was nothing to be done: That the said Lord said, there was Time enough for forming a Scheme; and yet in another Part of the same Examination, he says, Lord North did not dislike a Scheme in general, but disapprov'd his Scheme. Upon which, the Committee, with a Design to shew the Insincerity and Inconsistency of *Layer's* Confessions, observe 1<sup>st</sup>, That if what *Layer* said, was true, Lord North must have perus'd and examin'd *Layer's* Scheme, since a Man that did not dislike a Scheme in general, could not be said to disapprove any particular Scheme, unless he had first consider'd and examin'd it.

The Committee observe farther, that the Scheme itself does not appear drawn up by a Man of *Layer's* Profession, assisted only, as he would insinuate, by *Murphy* a Doctor of Physick, *Wilson* a Surgeon, and *White* a Serjeant; and they cannot but think it very extraordinary, that this Scheme drawn up in *August* or *September*, should have so great an Affinity with the Paper of Resolutions for *the digging up the Arms*, &c. mention'd above, which was drawn up the *April* before, and yet that *Layer* should have had no Sight of that Paper, nor have receiv'd any Instructions or Assistance from any Persons, who were privy to those Resolutions, which he has declar'd to the Committee he had not; and the Committee are farther confirm'd, that the Scheme was not drawn up by himself, from a Particularity contain'd in a Deposition of Dr. *Blackerby Fairfax*, who has sworn, that being for four or five Years past employ'd in reading Civil Law and French to the said *Layer*, he recollects, that *Layer* once ask'd him the Meaning of the French Motto, since prefix'd to his Scheme in these Words; *Au défaut de la Force il faut employer la Ruse*; and that upon *Fairfax's* explaining it to him, *Layer* said, it had been explain'd to him in the same Manner by others. Neither does the Scheme appear drawn up at a Venture, or merely with a View of engaging the Pretender's Friends in the Execution of this, or some other Scheme of their own, as *Layer* would insinuate, but several Passages in it, compar'd with his other Papers, make it probable, that the Officers, Serjeants, Soldiers, and Arms, mention'd in the Scheme, were first engag'd and prepar'd, and then the said Scheme drawn up, for employing in the best Manner possible such a Force as had been so prepar'd.

It is farther remarkable; that *Layer* intended, as he own'd to the Committee, to communicate this Scheme in its present Form, to Lord *North* and *Grey*, and Lord *Orrery*; and yet several principal Parts of it are not explain'd as Things new, but referr'd to as Matters already known and understood by the Persons that were to see it, which could only be by previous Consultations on that Subject.

*Layer* being in the Course of his Examination desir'd by the Committee to explain, by what Services or Merit on his Part, the Shyness, which he would have it believ'd, the Pretender express'd towards him at his first coming to *Rome*, and the little Acquaintance he then had with Persons of Distinction at Home in the Pretender's Interest, came soon after to be chang'd into so great a Degree of Confidence both at *Rome* and here, that he should be trusted with negotiating Blank Receipts, under the Pretender's own Hand, for unlimited Sums; he told the Committee, that during his Stay at *Rome*, he contracted a Friendship with Sir *William Ellis*, who is a Servant of the Pretender's, and that at his leaving *Rome*, he settl'd a Correspondence by Cypher with the said *Ellis*, and acquainted him from Time to Time how the Pretender's Affairs went on here; but the Committee observe, that this general Answer does by no Means account for the Terms of Thankfulness and Respect, with which *Ellis* writes to him from the Pretender, nor lay a sufficient Foundation for his being admitted in so particular a Trust. He said, that in the Course of his Correspondence, he writ to *Ellis* that he had got acquainted with *Burford* and *Symms*, Lord *Orrery* and Lord *North* and *Grey*; and that if he had but Blank Receipts, under the King's, (meaning the Pretender's) own Hand, he believ'd he could raise a considerable Sum of Money upon them, and put the Pretender's Affairs in a great Forwardness, by engaging a considerable Part of the King's Army in the Pretender's Interest, with the Money so rais'd. That he did not name any particular Sum to *Ellis*, but hop'd himself to have rais'd 20000 *l*. by this Method. He said, he receiv'd from *Ellis* only the ten Receipts taken among his Papers at Mrs. *Mason's*, that he receiv'd them at different Times by the Post, and that the first of them came to his Hands the latter End of *July* last. He said farther, he intended to have try'd to put off these Receipts among the *Norfolk* Gentlemen nam'd in the List which he gave to the Pretender; but that he never

never had spoke to any of them on this Subject, nor receiv'd any Assurance from them. That he believ'd, he had mention'd to Lord North and Grey and Lord Orvory, his having such Receipts in his Possession, and that the said Lords told him, they believ'd they would be of little Use, for that People would scarce venture to keep such Receipts by them, or to have them in their Custody, or Words to that Effect. Then the Committee take Notice of *Laver's* Prevarication, in Relation to the Cypher receiv'd from Sir *William Ellis*, and others; and about several Lists of Names taken among the Papers he left at Mrs. *Mason's*: That *Laver* pretended he employ'd *George Wilson* and Dr. *Murphy* to enquire into the Characters of Officers and Soldiers; and that he receiv'd most of the Lists from *Wilson*, who told him, he believ'd if the late Duke of *Ormond* were to come over, and Lord *Gadogan* were shot, the Soldiers mention'd in those Lists, would readily join *Ormond* in Favour of the Pretender.

That *Wilson* made most of the Marks against the Names, to explain, what Men might or might not be confided in; from which Circumstance the Committee observe, that there were Persons in those Lists, whom the Pretender's Friends could not confide in.

Being shewn the two Lists endors'd *Briquet's* List, and Lord *Yarmouth's* List, he says, *Briquet* is an eminent Tobacconist in the City, that the said two Lists only contain Names of a Jury for a Relation's Cause; but that he intended to shew those two Lists to Lord Orvory and Lord North and Grey, as containing an Account of Men to be rais'd for the Pretender's Service, in order to magnifie to those Lords the Number of the Pretender's Friends.

Being ask'd by the Committee, what was the Occasion of his taking away his Papers from Mrs. *Mason's*, when he went down to *Epping*, and what Papers he at that Time took out; he said, he only took out a Paper containing a Transcript of the Prince of *Orange's* Declaration, and some other Memorandum Papers. He farther added, that he was to have gone to Lord North and Grey's to Dinner the Day that he was taken up, and that he sent his Servant to the said Lord, to let him know he was arrested for High Treason, that his Lordship might not be surpriz'd at his not coming, and likewise that his Lordship might provide for his own Security; and before the Lords, he said, that he thought it reasonable to send this Notice to Lord North and Grey, apprehending, that

that the Government would seize the said Lord immediately on Account of what had pass'd between his Lordship and him.

Upon this, it is observ'd by the Committee, that Lord North and Grey did, in Pursuance of this Message from Layer, endeavour to provide for his own Security, by making his Escape. Layer sent that Message to Lord North and Grey, on Tuesday, the 18th of September, the Day that he was taken into Custody; and Hugh Floyd, his Lordship's Servant, who attended him to Portsmouth has declar'd, that Lord North and Grey came to Town from Epping on Wednesday the 19th of September (which was the Day after his receiving this Message from Layer) That his Lordship did not go to his own House, but to the King's Arms Tavern in Paul's Church-yard, and there dismiss'd him, Floyd, with Orders to meet him at Four in the Morning on the Friday following, over against St. James's Church in Piccadilly; that his Lordship came at the Time and Place appointed, in a hir'd Coach and Six, without Servants, and order'd the Coachman to drive on to Kensington, and then to Brentford, and so on from Town to Town, and bid him Hugh Floyd, have nothing to say to any Body, nor take any Notice that he was travelling with his Lordship, so that in the whole Journey to Portsmouth, he remember'd no Town but Kensington, Brentford, and Egham. That the second Morning, his Lordship proceeded on his Journey, with hir'd Saddle Horses, without Boots, with a Guide, and several other minute Circumstances, in Relation to his Lordship's Journey to the Isle of Wight, and to the Manner of his endeavouring to escape from thence; which serve to shew the Precipitancy of his Lordship's Flight, and of what Importance he thought it to take Advantage as soon as possible of the Notice given him by Layer.

Layer being ask'd by the Committee, from whom he receiv'd the Names found in his own Hand-writing among his Papers, viz.

Digby	————	Dillon.
Orrery	————	Barford.
Regent	————	Steele.
Tories	————	Tanners.
Wiggs	————	Waggs.
Rogers	————	Plunket.

said, the Names of some Persons, whom he had Occasion to mention in his Letters to Sir *William Ellis*, not being inserted in the Cypher he had from *Ellis*, he apply'd to *Plunket* now in Custody, to know by what Names he should denote those Persons, and that *Plunket* gave him the six fictitious Names beforemention'd; which Names the Committee find frequently repeated in *Plunket's* Letters and Papers. Being ask'd, if *Plunket* ever explain'd to him who were meant by *Burford's* Club (an Expression which is often us'd by *Plunket* in his Letters to *Dillon*, as will be observ'd in its Place) he said, that *Plunket* had told him, it was an Appellation made Use of by the Pretender and his Agents, to denote a Club of Tory Lords, and others; of which Club *Lord Orrery* was Chairman. That *Plunket* had nam'd to him several Persons of Distinction, as Members of that Club; whose Names *Layer* repeated to the Committee, as contain'd in his Examination, annex'd to this Report. But the Committee think it a Justice due to several of the Persons nam'd by *Layer*, to observe, that the Matters asserted of *Burford's* Club in *Plunket's* Letters, seem utterly inconsistent with the known Characters of some of those Persons.

*Layer* being ask'd by the Committee, whether he ever was employ'd by *Plunket* to transact Business with this, or any other Club, in *Plunket's* Absence (which appears to the Committee to be asserted in one of *Plunket's* Letters) he absolutely deny'd it, but admitted, that he went often to visit *Lord Orrery*; and had frequent Conversations with him relating to the Pretender's Affairs, and the Necessity of foreign Assistance. And that *Mr. Swortfegger*, *Lord Orrery's* Secretary, came to him once and told him, that *Lord Orrery* had left a Note in Writing, that if *Layer* came to Town, he should come down to *Lord Orrery's* in the Country, which Invitation he understood to be with an Intention of their discoursing more at Leisure about the Pretender's Affairs, having never had any Business with *Lord Orrery* in the Way of his Profession, nor any other private Business, that could give Occasion to such a Message; but that he did not go down at that Time.

The several Particulars beforemention'd contain the Substance of what *Layer* confess'd on his Examinations before the Lords, and before the Committee; and after this long Account given by him, in which there appear so many and such convincing Proofs of the Conspiracy

racy in general, the Committee think it proper to observe, that though he affected a great Openness and Frankness, when such Questions were put to him as tended only to a general Discovery, to accuse himself; or such as he knew were escap'd and fled out of the Kingdom, yet when such Questions were put to him, as he apprehended might affect or discover any others of the Conspirators, he always gave Answers with great Shyness and Reserve; and this Care to say as little as possible that might affect others in a criminal Way, join'd with a Desire to seem candid and ingenuous, often produc'd the Inconsistencies and Contradictions, upon which the Committee thought it in their Duty to make the foregoing Observations.

The Committee now proceed to what they had been able to collect from the Papers and Examinations of *John Plunket*, whose treasonable Practices and Correspondencies, appear to be so closely connected with those of *Laver*, that they give great Light and Confirmation to each other.

The Committee observe, from a careful Perusal of the Letters and Cyphers seiz'd at *Plunket's* Lodgings, that he not only of late, but for many Years past, has been employ'd in carrying on several treasonable Correspondencies with Persons of high Rank and Distinction abroad; that a very great Share of Confidence has been plac'd in him by the Pretender, and several of the most considerable Agents for him, and that he has been a principal Actor in the late horrid Conspiracy, and too much concern'd in the blackest Part of it; and though the Evidence against him, in several Particulars, is most full and undeniable, yet his Behaviour on his Examination was so harden'd and obstinate, and attended with such bare-fac'd Prevarications and Falshoods, that the Committee are very much confirm'd in the Opinion of his Guilt, from the Pains he took to deny with solemn Imprecations the most evident Truths.

*Laver* confess'd to the Lords, that *Plunket* recommended *Wilson* to him as a Man of Integrity; that *Plunket* went by the Name of *Rogers* in *Italy*, and since, and sign'd the Letter which he gave Mrs. *Laver* for General *Dillon*, by the Name of *Rogers*. But the Committee observe, that *Laver* let them remain in the Error of believing that *Plunket's* Christian Name was *James*, 'till the Question was put to him, on his 2d Examination, in such a Manner, that he found the Committee was already appriz'd of his

his true Name, which he then own'd to be *John*. He farther own'd, as has been observ'd above, that *Plunket* receiv'd a Letter under the Pretender's own Hand at *Rome*, was twice in private Conference with the Pretender, convers'd with *Kennedy* and other Agents of the Pretender, had assur'd him, *Layer*, of a good Reception at *Rome*, was kindly spoken of by the Pretender, had own'd to *Layer* his being employ'd in the Pretender's Service, and his corresponding with *Dillon*, writ to *Layer* in *Norfolk* in Relation to the Pretender's Affairs, and gave *Layer* fictitious Names for *Dillon*, Lord *Orrery*, the Regent, &c. and among the rest the Name of *Rogers*, to denote him, *Plunket*; which fictitious Names, the Committee find all of them frequently us'd in *Plunket's* Papers.

It appears farther to the Committee, from Depositions upon Oath of *Matthew Plunket*, that *John Plunket* came to him in *July* last from *Layer*, to desire him to meet *Layer* at the *Italian Coffee-House* in *Russel-Court*, and nam'd to him the same Persons, as ready to head an Insurrection, who were at some other Time nam'd to the said *Matthew Plunket* by *Layer* on the same Occasion.

That he farther ask'd *Matthew Plunket*, whether he was well acquainted in the Army among the Soldiers? To which he reply'd, he knew many of them that had been with him in *Spain*, and at *Preston*. That *John Plunket* then told him, he came from *Mr. Laver*, and under the Arch going into *Drury-lane*, desir'd him to pick out as many Serjeants as he knew in the Guards, to recommend them to *Mr. Laver*. That the next Time he saw *Matthew Plunket*, which was in two or three Days, he invited him to his Chambers, and there told him, *Mr. Laver* was a very good Man, and the only one he could depend on to do him Service: That the Design on which he, *Matthew Plunket*, was to introduce the Soldiers to *Laver's* Acquaintance, was to serve the Pretender by disciplining the Mob, who were to rise in his Favour. And, that all the Transactions of *John Plunket*, with him, *Matthew Plunket*, were to engage him in Person, and by his Acquaintance among the Soldiers, to serve the Pretender: That *John Plunket* meeting him afterwards in *Covent-Garden*, ask'd him what he had done, to which he reply'd, he went on very well, and *John Plunket* bid him go and tell *Mr. Laver*.

*Matthew Plunket* farther deposes, that *John Plunket* told him, the Business (meaning the Invasion and Rebellion) had been done before, but that the *French Ambassador* wrote to the *Regent*, and the *Regent* wrote it to *King George* (or Words to that Effect) and it was upon that Account the Army was sent to Camp.

*Dr. Blackerby Fairfax* depos'd upon Oath, that being in Company with *Plunket* and one *Jefferyes*, *Jefferyes*, among other Discourse, said, *Plunket* gave the Doctor a Commission, adding, *Plunket* has Commissions, which *Fairfax* understood to mean Commissions from the Pretender; but that *Plunket* answer'd, the Doctor does not wear a Sword.

The Committee observe, that among *Plunket's* Papers was found a large Cypher of Names with fictitious Names over-against them, sworn to be all in *Plunket's* own Hand-Writing, which Cypher tallies with, and explains an original Letter of the 23d of July, 1722, directed to *Mr. Digby* at *Paris*, and sign'd *J. Rogers*, which was stop'd at the Post-Office, and is likewise sworn to be *Plunket's* Hand-Writing. And several other Letters directed to *Digby*, and sign'd *J. Rogers*, having likewise been open'd and copy'd at the Post-Office, and then sent forwards, the Clerks who were employ'd in copying them, have sworn, that to the best of their Memory and Belief, the Originals of the said Letters were all writ in the same Hand with that of the 23d of July, which was stopp'd, and is sworn to be *Plunket's* Hand-Writing; and the said Copies of Letters treat of the same Matters as the other, and contain the same fictitious Names which are found in the Cypher sworn to be in *Plunket's* Hand-Writing.

The Committee were inform'd, that it was thought proper to stop but one of the original Letters from *Plunket*, and to suffer the others to go on, because it was judg'd that one was sufficient to discover the Writer, and that the permitting the Correspondence to be continu'd, might help the Government to farther Lights in this Affair.

Then the Committee take Notice of several Letters found among *Plunket's* Papers, particularly of three sign'd *Digby*, *Durwell*, and *A. D.* which seem to them to be from General *Dillon*, and another sign'd *C. Howell*, which Name in *Plunket's* Cypher, means *Glafcock*, whom the Committee see Reason to believe, to be *Christopher Glafcock*, an Irish Officer in *Dillon's* Regiment, who appears to be employ'd by *Dillon* in writing the treasonable Letters sign'd by *Dillon* himself,



as well as in writing others of the same Kind, sign'd by fictitious Names belonging to him, *Glascock*.

The Committee observe, that in the Copy of the Letter sign'd *J. Rogers*, directed to *Digby*, and dated the 5th of July, 1722, the Person who writ that Letter, says, that his Fellow-Traveller's Wife parted hence the Day before for *Paris*, and that he gave her a Letter to him, *Digby*, which agrees with *Layer's* Confession; that *Plunket* did give Mrs. *Layer* a Letter of Recommendation to *Dillon*, sign'd *Rogers*, and that he receiv'd from *Plunket* the Name of *Digby*, to denote General *Dillon*; which Name was also confirm'd to *Layer* by Lord *Orrery* to mean *Dillon*. But that *Dillon* went by the Name of *Digby*, is put past all Doubt, by a Discovery made by Mr. *Crufturd*, his Majesty's Resident at *Paris*, who being order'd to discover the Person meant by that Name, made Use of the following Contrivance, mention'd thus in his own Letter.

' I have just now found out, who Mr. *Digby* is: I fold-  
' ed up a Paper in the Form of a Letter, and seal'd it,  
' and directed it to Mr. *Digby* at *Paris*; then wrapt it up  
' in a Piece of Waste Paper with a Memorandum in it, to  
' be inform'd at Mr. *Waters's*, Banker, in *Christine* Street,  
' in what Part of *Paris* Mr. *Digby* liv'd; I gave it thus  
' made up to a sharp young Fellow who speaks both  
' French and English, and order'd him to go booted and a  
' little dirtied to Mr. *Waters's*, to open before him the sham  
' Letter, and read his Memorandum, and to shew him  
' the Direction of the Letter, and to desire him at the  
' same Time to send some Body with him, to conduct  
' him to the Place where it was to be deliver'd; that  
' as soon as he should come to the Door where he was  
' to deliver it, he should pretend to have left a Packet at  
' Home, and making as if he would go back to fetch  
' that Packet, he should slip away from the Person who  
' shew'd him thither. The Thing succeeded better than  
' I expected, for *Waters* was not at Home, and my  
' Man acted his Part so well, that *Waters's* chief Book-  
' Keeper, without giving himself the Trouble of going,  
' wrote the Direction for him upon my sham Letter, in  
' the Manner your Excellency will see in the enclos'd.  
' The Book-Keeper was very desirous to have the Letter  
' in order to deliver it himself, but my Man insisted to  
' deliver it with his own Hand, and answer'd boldly to  
' some Questions, which the Book-Keeper ask'd him,  
' pretending he was to return the next Day for *England*.

The Direction writ by Mr. Waters's Book-Keeper under the Name of Digby, was *A Monsieur Dillon, Rue Colom-bier a l'Hôtel d'Holande*, which, as the Committee are inform'd, is the ordinary Residence of Lieutenant-General Dillon. Upon this Discovery, Notice was sent from France by Dillon and his Agents, to his Correspondents in England, to forbid them making Use any more of that seditious Name.

Notwithstanding all this Evidence of Plunket's corresponding with Dillon, when he was examin'd he deny'd his knowing General Dillon, or his having ever exchanged a Letter with Dillon or his Secretary, in his Life; he deny'd the Letter to Digby of the 23d of July, hopp'd at the Post-Office, and the Cypher found at his Lodgings, to be his own Hand-Writing; he deny'd the Receipt of the Letters from Howell, Dixwell, and Digby, found among his Papers, but own'd he had once receiv'd a Letter from one Farelly, a Popish Priest, formerly Governor to the Duke of Berwick's Children, sign'd by the Name of Digby, and relating to the Stocks of Nicholas Wogan, and others. The Committee observe, that in this prevaricating Answer, he was labouring to account for the Meaning of the Word Stocks, which is mention'd in the Letter from Digby, and by which is meant the Conspiracy only; and in Plunket's own Cypher, the seditious Word Brokers, is explain'd Agents. Upon pressing him farther to see if he would own the Correspondence with Dillon, and acknowledge the Letters, the Committee had such full Evidence were his, they found that in order to avoid the owning it, he run himself in such an evident Absurdity and Inconsistency, as appears to them a strong Argument of his Guilt; these Circumstances laid together, leave no Room to doubt but that Plunket writ and receiv'd the Letters abovemention-ed.

Among his Papers was found the foul Draught of a Letter, dated March 22d, 1721, and directed to Mr. Jackson, which in his own Cypher is explain'd the Pretender. In this foul Draught (which is sworn to be his Hand-Writing) are the following Passages.

“ I look, Sir, on your Law Suit to be in such a Forwardness, that a speedy and happy Replication must inevitably ensue; the *Waggs* as well as the *Tanners* (which Names he explain'd to Laver to denote the Whigs and Tories) seem convinc'd, that nothing less can redress their Ruin; nay, the latter is apprehensive  
“ the

the former will complement you with it on your own Terms, in order to engross your Favour for the future. The Precepts my Friend and I gave in lately, have contributed much to this Emulation; we have more to give in, and if they improve them as they have the former, you will have a good Game on't. The Words *Repetition* and *Precepts* are not found in his Cypher, but the Sense of the former may be easily guess'd at.

He afterwards adds; 'The Gentleman I mention'd to you formerly, is come out of the Country, with Instructions to wait on you, and tender you their Service; he offers to bear my Expences if I go with him; as I take it, that my going will be of more Use than my staying now, I believe I shall accept of his Offer.' In another foul Draught of the same Letter, he says (as has been before observ'd) 'There is one sets out from Norfolk in a few Days, to let you know the Tanners will stand by you on Occasion, and offers to bear my Expences; so that I shall wait on you and have the Satisfaction to tell you by Word of Mouth, what will be acceptable, he carries the List with him.' And in Heads or Minutes of the same Letter, he says, 'Wag and Tanner will equally concur — My Friend shall wait on you to tender their Service — Our Message will pin the Basket — You may have daily Messages of this Kind; you will be courted, it is the English Way —'

Another foul Draught of a Letter was found among Plunket's Papers, and is sworn to be his Hand-Writing; the Matter of which appears very remarkable. It is not dated, nor directed, but appears plainly to have been writ the Beginning of the last Year, and in it are the following Passages. 'I had four of Count Bothmar's Letters since my last to you, Mr. Burford had them all, his Clerk gave me to understand they were sent to Mr. Jof — This made me not to trouble you. This only to wish you a happy new Year. I hope it will bring the Law Suit to bear, before 'twill end; if they would have Courage and Integrity, they may walk King George out afore Lady-Day next — (and in another Part he says, afore May come) 'He is weary of them, and thinks no more of staying among them. It appears from this Paper, that Plunket had convey'd Copies of some Letters of Count Bothmar's to Lord Orrery; That Lord Orrery's Clerk had given him to understand, that

those Letters were sent to the Pretender (from whence it may be concluded, that either Lord *Orrery* or his Clerk, had a direct Correspondence with the Pretender) and that *Plunket* was privy to some Design for walking King *George* out (as he calls it) which Design requir'd Courage and Integrity, and was to have been executed either before *Lady-Day*, which was during the Elections, or by the Beginning of *May*, which was the second Period fix'd for beginning the Insurrection. *Simon Swortfegger*, Secretary to Lord *Orrery*, own'd upon his Examination before the Lords, that he was acquainted with *Plunket*, and had been in Company with him and *Layer* at Mr. *Aaron Thompson's* Chambers. And *Plunket* own'd to the Committee his being acquainted with *Swortfegger*, and his having been in Company with him and *Layer*, at *Layer's* House, but denied his knowing any Thing of the foul Draughts of the Letters abovemention'd.

*Plunket* in his Letter to *Digby* of the 21<sup>st</sup> of *May*, says, 'I hope in a little Time Mr. *Joseph* (which *Layer* own'd to be the Pretender) will be the Ministry's only 'Refuge.' *Burford* (whom *Layer* declar'd likewise to be '*Orrery*') and his Club seem to think so; they will have 'a Finger in the Pye if they can; I know they can 'come in for a good Share in it, if they can have 'a little Concert and Regulation; there are those 'that will undertake to do the Job in twelve Hours 'Time; a little Time will shew whether they will 'give fitting Encouragement; if two or three are taken off, no Matter how, King *George* will go off by 'Hook or by Crook, and of Course the *Lowty* will 'be for *Joseph*; this has been communicated to your 'Friends.

Whether the Job that was ready to be undertaken on fitting Encouragement, and to be perform'd in twelve Hours Time, relates to the rash Enterprize for surprizing the City of *London*, which has been already taken Notice of, or to the wicked and execrable Design for seizing and destroying his Majesty's Sacred Person, is left to the Consideration of the House.

But the Committee, from comparing the Memorandum at the End of the Paper of Resolutions, in the following Characters, *Dis. C. W. M.* with the two or three that are mention'd in this Letter to be taken off, and likewise with *Wilson's* Intimation to *Layer*, that if Lord *Gadogan* were but shot, the Soldiers would declare for *Ormond*, and also with *Layer's* Negotiation about seizing;

seizing Lord Cadogan, and with the Paragraph in his Scheme for seizing some great Persons at their Houses, see Reason to believe, that by the first of those Characters is meant *Dispatch Lord Cadogan*, and by the others, two other Officers of Distinction.

In the same Letter of the 21<sup>st</sup> of May, *Plunket* takes Notice, 'That *Johnson*, an Acquaintance, was taken up the Day before, but had burnt his Papers, and seem'd, 'to be easie in the Matter, and adds, I believe they will 'get nothing by him.

*Plunket* being ask'd by the Committee, whether he was acquainted with *George Kelly*, alias *Johnson*, said, he knew him by Sight and Coffee-house Acquaintance only, that he did not remember his having ever receiv'd a Letter from him, and *Kelly* gave the same Account in Relation to *Plunket*, yet a Letter from *Kelly* was found among *Plunket's* Papers; and *John Malone*, who waited on *Kelly*, at his Lodgings, has nam'd *Plunket* in his Deposition, as one who often visited *Kelly* there. And the Committee are satisfy'd, that they were privy to each other's treasonable Correspondence, by some Passages in the Letters to and from *Kelly*, in which, Mention is made of *Plunket* by the Name of *Kogers*.

His next Letter to *Digby*, is, of the 31<sup>st</sup> of May, in which he says, 'He finds the Regent had a Hand in keeping King *George* from going abroad, so that the Ministry will carry on their Game safely and leisurely, without any Opposition whatever from the Club, or any of the Pretender's Friends.' He adds, 'Let them be ever so sanguine, they can do nothing as long as the Regent stands by the Ministry; but should *Ormond* come with half a Dozen Regiments only, he would carry his Point, and make King *George* run for it.' This Passage confirms what has been set forth above, that the late Duke of *Ormond's* coming over made a Part of the original Scheme, and agrees with the Accounts receiv'd from *Spain* of *Irish* Soldiers provided there for the Pretender's Service.

*Plunket* then adds, 'if *Burford* (Lord *Orrery*) and the Club, have a Mind to have King *George* deliver'd up to them, he shall, there are those that will undertake it, and offer to do whatever requir'd.' And in his Letter of the 4<sup>th</sup> of July, he says, ——— 'I can assure you, Despair has made some to take a Resolution to lay violent Hands on King *George*, but there is a 'Stop

‘Stop put to them at present; It is not the Pretender’s Interest, but you can’t do so always; an ill-Precedent is dangerous.’ The black and villainous Design express’d by these two Paragraphs, needs no Explanation.

He speaks of himself in these Letters as knowing the Men, who had taken a Resolution to lay violent Hands on the sacred Person of his Majesty; and was himself so far engag’d in this execrable Design, as to say in one of his Letters, if the Club desire it, his Majesty shall be deliver’d up into their Hands; and in another Letter dissuades it, not out of any Conscience or Remorse for the Crime, but merely for fear the same Barbarity should be retaliated on the Pretender; yet this Man still continues so harden’d and obstinate, as to renew his Guilt, by refusing to make the least Discovery of his Accomplices, or to give this only Reparation and Attonement he is capable of, to a Country which he has been labouring to involve in the greatest of Calamities.

He afterwards says, ‘That tho’ there should be a Rising in most Parts, if the Mob be beat in one Place, the rest will go Home and be quiet for seven Years more.’

His next Letter is of the 21st of June. In this he says, ‘That Burford and the Club think themselves slighted by the Regent and Ministry of France; and conceive, that the Regent joins with King George, to be reveng’d on them: That he may have Room to repent it early or late; for should the Parliament be broke, and a new one call’d, he might find himself more embarrass’d than he was aware of. He adds, ‘If the Regent stands Neuter, and they will soon bring the Law Suit to bear; so far I am satisfy’d of it, that 4 or 500 Men, and as many Arms, with 1500 *l.* will compleat the Matters in a little Time,’ and give a good Account of King George and the Ministry, The Army want only an Opportunity to do their Duty. This Scheme, if duly and discreetly manag’d, will give them an Opportunity to do it. Were we sure the Regent would not interpose, we would take it in Hand forthwith.

This Register having already exceeded the usual Number of Sheets, we are oblig’d to break off in this Place, and refer the Sequel of this Report to the next Register.

# THE Historical Register.

NUMBER XXXI.

GREAT BRITAIN.

*Conclusion of the Abstract of the Report of the secret Committee.*



THE Committee observe, how exactly this Letter agrees with the Accounts sent some Time before from *France*; that the Conspirators reckon'd on great Part of the King's own Forces; and only desir'd the Regent, that he would keep himself *Neuter* between the Pretender and his Majesty. And this Letter appears to have been writ at the Time when *Löyer, Wilson, Murphey,* and *Plunket* were labouring to corrupt the Officers and Soldiers of the Army.

*Plunket* adds in the same Letter, 'If the Regent and Court of *Spain* will but ply King *George* with large Demands, and bring the *Czar* down to *Hanover*, the Pretender will have a *Carte Blanche* from the Ministry and King *George*; as also from all the rest of his Friends and Foes: This I take to be the best and safest Way, both for the Pretender and his Well-wishers.

The Expression of the Pretender's getting a *Carte Blanche* from the King and Ministry, is repeated several Times in *Plunket's* Letters; and however extravagant and ill-founded such Suggestions were, yet his Representations appear to have met with such a Spirit of Credulity and Delusion in the Pretender and his Agents,

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gents, that not long after he was vain enough to entertain Hopes of capitulating with his Majesty for the Crown, by that traiterous and insolent Declaration, against which, both Houses have so lately express'd their just Resentment and Abhorrence.

*Plunket's* next Letters are of the 4th and 5th of July, 1722, in which he has the Vanity to tell *Dillon*, 'That he had been desir'd by some leading Members of the then Parliament, to acquaint the Regent's Agent here, that it was now in the Power of the Regent and Spain, to send away King George, and to send Home Mr. *Jos.* with a *bonne grace*, and much to their Advantage; that it was only to insist on the Stipulation King George had made with them, and they would have a fair Pretence to do it.

It appears by other Passages, that this suppos'd Stipulation relates to the Cession of *Gibraltar*.

He afterwards gives an Account, 'That he did, both on the 4th and 5th of July, wait on the Regent's Agent with this Message; and says, That as that Agent was acquainted with some of the Members of Parliament who employ'd him, he gave some Attention to him: But the Objections which the Regent's Agent made, appear to have been, that the Pretender had not the Name of a Man of great Parts or Resolution; that he had hitherto no great Opinion of *Burford* and the Club; and that such a Proceedure, on the Part of the Regent, would be a Violation of the *bonne Foy*: To which last, *Plunket* reply'd, that it would be no Breach of their *Bonne Foy*, to be grateful to those who were their Deliverers formerly.' However, *Plunket* says, 'He convinc'd the Agent, that it was now in the Regent's Power to make the Ministry and King George give the Pretender a *Carte Blanche*; and by so doing, to make the Emperor vomit up what he has now got in Flanders, without striking a Stroke. That the common People, the Country Party, and all the English Gentlemen might be brought to join with the Regent in proper Measures to do it; or, that if the Regent would but stand Neuter, they would soon bring the Pretender's Law-Suit to bear, independent on any whatever.' He adds, 'That he is satisfy'd the Agent would write these Sentiments to his Court; and that it is *Dillon's* Business to let the Regent see he has the same Sentiments from other People here.

*Plunket*



*Plunket* being examin'd by the Committee, in Relation to this Letter, own'd, he had frequent Access to one of the *French* Ministers on private Affairs; and that *Layer* knowing him to be acquainted with him, ask'd him, Whether he could not find out, by the Help of that Minister, whether the Regent might not be brought into *Tory* Measures? And *Stephen Lynch* has depos'd, that *Layer* told him, Application had been made, either by himself, or some other Person, to one of the *French* Agents here, to the Effect mention'd in *Plunket's* Letter. However, *Plunket* deny'd his having ever spoke to that Minister, in Relation to State-Affairs, or his having writ any such Account to *France*.

The Committee from comparing his Relation of these two Conversations with what he says in other Letters, of bringing the Czar down to *Hanover*, in order to oblige his Majesty to withdraw from *England*; observe, That the Conspirators were so intent on compassing their wicked Designs by any Means, that having fail'd in their Applications for foreign Assistance, they were now labouring to make *France* and *Spain* insist on the Restitution of *Gibraltar*, to throw *Flanders* into the Hands of *France*, and to bring the Czar into *Germany*, in Hopes to involve all *Europe* into Confusion; and thereby to pave the Way for bringing in the Pretender.

In the same Letters he tells *Dillon*, 'Now is the Time' for the Regent and Ministry of *France* to serve you; if they do not, I can assure them, they may have Room to repent it: For the Pretender's Friends will find Means to get into the Saddle, in Splight of the Ministry and King *George*.' He adds, 'That the Army will not stand by the King and Ministry, against the great Bent of the *English* Gentlemen, the common People, and the Country Party; who are so incens'd against the Court, that the least Accident would surely overturn what they have been doing these seven Years past.'

He then says, 'That his Fellow-Traveller is, and has been very active since his coming from his Travels, and is more serviceable than those who move in a higher Sphere; that he is spurring on the Club daily, and has made many of them more Active in the Law-Suit, than they otherwise would have been. That his Wife parted the Day before for *Paris*; and that he gave her a Letter for *Dillon*; his Fellow-Traveller thinking himself entitled to it, or any other Civilities *Dillon* could shew her, during her Stay there.' He adds,

Your Friends continue their Preparation, and resolve to hold themselves in Readiness on Occasion.

The Committee take Notice, that these Letters were writ just about the Time that *Layer* went down to *Norfolk*. And they think the sanguine Manner in which *Plunket* writes, is in Part accounted for, by what Lord *North* and *Grey* told *Layer*, That the Encampment had spoiled the Project; but we shall have them again. And by his Lordship's saying, Be you quiet, something will be done: If there be a Rising, you shall not want Men, or Money, or Arms. And that these Letters and Passages make it highly probable, that the Substance of *Layer's* Scheme had not been only seen, but approved of.

*Plunket's* next Letter is of the 23d of *July*, the Original of which being stopp'd, and being sworn to be his own Hand-Writing, the Committee think it proper to lay the whole before the House, with the Explanation of the fictitious Names taken out of the Cypher, which is sworn to be his own Hand also.

*A Monsieur Digby a Paris,  
Under a Blank Cover to Waters.*

*July 23, 1722.*

BY the Time this comes to Hand, King *George's* Agent will arrive there; I am glad on't, because I hope all the Negotiations and Proceedings of the Ministry and King *George*, will be laid before the Parliament, which will be a Means to send him to *Hanover*: Though he thinks to bring the Country Party to approve of whatever he will propose to the Parliament, he will hardly ever bring the Court Party to do it. He thinks to disculp himself at the Expence of the Dead: This I told some of the Parliament-Men; they say it won't do for Love or Money. Certain Persons are forming Projects that will distress the Court of *Spain*, in Case of War between *Spain* and the Emperor. Count *Bothmar* comes into it by King *George's* Connivance; 'tis now in Embrio; when it comes to Perfection, I shall be Master on't: I gave a Hint on't to the Regent's Agent; he was not a little surpriz'd at it; they must not linger much longer; if they do, the Emperor and King *George* will find Means to distress the Court of *Spain*, and the Ministry in *France*; they must hasten the Peace to prevent it.

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‘ My Companion, who has been in the Country these  
‘ Three Weeks past, came to Town Yesterday ; he seems  
‘ to be sure of his Game, viz. That Mr. *Joseph*’s Friends  
‘ will run down the Ministry, and King *George*, in a  
‘ little Time, and bring the Law-Suit to bear on their own  
‘ Bottom, and independent of the Regent, or any Body else.  
‘ I am resolv’d to know nothing of their Proceedings ;  
‘ I am for having every Thing laid before the Parli-  
‘ ment first, and then every Body will see, we want the  
‘ Pretender more than he wants us ; both Friend and  
‘ Foe will join in any Enterprize that will be made in  
‘ his Favour : Neither will they ever dare upbraid him,  
‘ if, on any Occasion, he should look asquint on ’em  
‘ hereafter. I hinted often, the only Way to spirit ’em  
‘ up, was to convince ’em the Law-Suit would be brought  
‘ to bear without them, and that, by the Regent and  
‘ K. *George*. The Construction they put upon this, that the  
‘ former was subtil enough to make Use of the Folly of  
‘ the latter, to play the Game to his own Advantage at our  
‘ Cost ; and that he will govern Mr. *Joseph*, when here,  
‘ as he does now King *George* ; this, or some such Im-  
‘ gination, gave them an uncommon Resolution, and  
‘ I believe they will struggle hard for a Start in the Race  
‘ of Honour. ’Tis in the Regent’s Power to make King  
‘ *George*, the Ministry, and the Club, to give Mr. *Joseph*  
‘ a *Carte blanche* ; ’tis incumbent on you to convince him  
‘ of it ; I am sure his Agent here is already, for I gave  
‘ him this Morning demonstrative Proof, that King  
‘ *George* designs to support the Emperor against the  
‘ French King and his Cost. and that without being seen,  
‘ in it.

‘ I would be glad to know how the Duke of *Berwick*  
‘ does, and if he continues there this Summer. I  
‘ have little to do in Town, so I design to go to the  
‘ Country for three Weeks. The Town is dull and  
‘ empty.

‘ We hear the Czar is in Motion, I wish it may be to-  
‘ wards *Hanover*, for King *George* would soon move from  
‘ his Country Seat here.

‘ I believe Mr. *Joseph* will laugh, when he’ll hear of  
‘ the Stratagem I made Use of, to bring his Friends to  
‘ so good Temper of Duty. I hope they will keep to  
‘ it, which is the Wish of, Sir,

Your humble, obedient Servant,

J. Rogers.

In his Letter of the 16th of *August*, he says, 'The Pretender's Law Business continues in the same Plight. My Companion goes on, as he thinks, very successfully, and is confident he will bring the Business to bear in a little Time.'

This Letter was writ nine Days before *Lager* went down to Lord *North* and *Grey's* with *Lynch*.

*Plunket* says in the same Letter, 'That the Pretender must promise the Regent and Ministry of *France* fair, and that he will be a fast Friend, when in his Power, and must seem to rely more on them, than any here; that this is the only Game he has to play at this Time.'

In his next Letter of the 22d of *August*, he says, 'That his Friend came out of the Country a few Days ago, and told him, that his Clients seem now to despair of bringing the Law Business to bear this next Term, except the Regent were made a Party; that he, *Plunket*, told him, in Case the Regent were apply'd to in a proper Manner, he might be prevail'd on to come into proper Measures, at least indirectly, and that without Breach of the *bonne Foy* he owes King *George*, or the Ministry.' He adds, that they (his Friend's Clients) are for any Thing but under their Hands; and that if they should apply to *Dillon*, or the Regent (as his Companion had told him they soon would) they might safely offer at least to come into their Measures, to stop their Mouths hereafter; and he thinks with Submission, 'tis Pity to hinder them from plunging themselves, as they did before.' He adds, 'That it is in the Regent, and Ministry of *France*, to make the ensuing Parliament give the Pretender his own Terms; and that as the the French King is soon to be of Age, he may do every Thing with a good Grace, and *bonne Foy*; and settle the Pretender so, that it will always be in his Power to serve him, and the Court of *Spain*.'

*Plunket*, who assumes to himself so considerable a Part in these Transactions, being ask'd by the Committee, to give some Account of his Life and Education, said, that he was born at *Dublin*, and bred up, when a Boy, at the *Jesuit's* College at *Vienna* that he is a Roman Catholic, but not in any Orders. And though he endeavour'd by his Dress, Appearance, and Behaviour, to represent himself to the Committee as very inconsiderable, and no ways equal to the Part he was tax'd

ten'd with, yet a great Number of Letters from Persons of the first Quality abroad, were found among his Papers, in which he is treated with great Intimacy and Confidence. And in a Letter from the Lady *Middleton*, of an old Date, Mention is made of her being to introduce him to the late King *James's* Queen in *France*; to whom, as he own'd to the Committee, he had been introduc'd. And that the Trust and Confidence repos'd in him, still subsists undiminish'd, appears to the Committee, not only by his own confessing, that he did walk and converse with the Pretender publicly in his Garden at *Rome*, but from *Layer's* Account, that he had two private Conferences with the Pretender; and above all, from the Letter under the Pretender's own Hand, which he shew'd to *Layer* at *Rome*, in which the Pretender treats him with such Distinction, as to charge him not to mention any Thing of Business to any Body, 'till he himself had seen him alone; than which, the Committee think a stronger and more convincing Proof of Trust could not well have been given. It appears also by foul Draughts of Letters taken among his Papers, that he writ directly to the Pretender himself.

Mention being made in *Plunket's* Letters, of *Johnson*, alias *George Kelly*, and some Extracts of Letters to and from the said *Kelly*, having been referr'd to the Committee, among *Layer's* and *Plunket's* Papers, by which it appear'd to them, that *Kelly's* treasonable Correspondence had a Connexion with the others, and particularly, that he was privy to some of *Plunket's* Transactions; the Committee thought that their having a general View of all the Papers relating to the Conspiracy, might help to illustrate and explain the several Parts of it, in the same Manner, as *Layer's* and *Plunket's* Papers mutually confirm and give Light to each other.

Having accordingly perus'd those Papers, and examin'd some of the Persons principally concern'd in them, it appears to them, that *George Kelly*, Clerk, has been of late Years constantly employ'd in carrying on several treasonable Correspondencies and Negotiations between the Pretender's Agents Abroad, and Persons of great Distinction at Home, tending to the bringing in the Pretender with an armed Force, and to the overturning

ing the present happy Establishment in Church and State.

And here the Committee mention the Lord Bishop of *Rocheſter* ; as principally aiding, directing, and employing the ſaid *Kelly*, in the Proſecution of his treaſonable Deſigns.

As *Kelly's* Correſpondences ſeem to derive their Weight and Significancy chiefly from his being employed by the Biſhop of *Rocheſter*, the Committee take Notice of the ſeveral Reaſons that induce them to believe he was ſo employ'd, and the Part which it appears to them the Biſhop has had in this Conſpiracy.

It appears to the Committee, from ſeveral Informations of *Philip Nynoe*, Clerk, That *George Kelly* alias *Johnſon*, frequently told him, that the Biſhop of *Rocheſter* held Correſpondences with the Pretender, and his Agents: That he, *Kelly*, was employ'd by the Biſhop, in writing for him, and carrying on the ſaid Correſpondences ; that *Kelly* told him, the Pretender rely'd more on Advices from the Biſhop, than from any other Perſon ; that he had ſeveral Times left *Kelly* at the Biſhop's Door, when *Kelly* went into the Biſhop's Houſe, and ſtaid there an Hour or two, and upon coming back to him, *Kelly* made Apologies for ſtaying ſo long, and told him, he had been writing the Biſhop's Letters, which he always apprehended to be the foreign Correſpondence of the Biſhop with the Pretender's Agents ; and that *Kelly* told him, the Biſhop never ſuffer'd him to take a Bit of Paper of the Biſhop's Hand-Writing out of the Room.

That he knows, Letters were directed to *Kelly*, by the Name of *Mofes Hancock*, and *Hatfield* ; and that he has ſeen at *Burton's* Coffee-Houſe, a Letter to *Kelly* from *Horwell*, (whom he takes to be Agent or Secretary to *Dillon*, and employ'd by *Dillon* in the ſame Manner as *Kelly* was by the Biſhop of *Rocheſter*) in which Letter there were Compliments to the Biſhop, by the Name of *Naunton*, which Name *Kelly* explain'd to him to mean the Biſhop. That *Kelly* has told him, the Biſhop of *Rocheſter* went ſometimes by the Name of *Jones* ; that he has likewise heard the Biſhop went ſometimes by the Name of *Illington*, which laſt he was told by Mr. *Carte*, to the beſt of his Memory. That in the Letter which *Kelly* ſhew'd him at *Burton's* Coffee-Houſe, Mention was made of *Mansfield*, which *Kelly* explain'd to him to mean

mean the late Duke of Ormond. That he has seen several Cyphers in Kelly's Hands, one in Figures, another of fictitious Names, in which last, *Carpenters* stood for *Scotch Soldiers*, *Sadlers* and *Sophisters* for *Irish Soldiers*, and the like; that he has seen Kelly make Use of these Cyphers, and that Kelly with great Freedom own'd, that these Cyphers were for carrying on the Correspondence with the Pretender's Agents. That he had likewise seen Cyphers in *Carte's* Hands, who was also employ'd in writing Dispatches to the Pretender's Agents abroad. That he, *Neynoe*, had been employ'd to draw up three several Memorials to the Regent of *France*, to solicit him to send Forces for the Assistance of the Conspirators, the last of which was in *December, 1721*, and contain'd a Demand of five thousand Men to be sent to invade these Kingdoms; that the Heads of these Memorials were given him By *Kelly*, and one who went by the Name of *Watson*, whom he took to be the late Earl *Marischal*.

That in *March* last, *Kelly* brought him the Heads of a Letter, to be drawn up, with a Design of its being intercepted by the Government, in order to amuse them into a false Security. That he drew up the said Letter in a Paper writ Column-ways; that this Paper was brought back to him, corrected by the Bishop of *Rocheſter*, as he believ'd. The Committee were inform'd this Letter was not intercepted, but that a Copy of it was sent about that Time, to one of the Secretaries of State, from an unknown Hand.

*Neynoe* farther declar'd, that the Bishop of *Rocheſter*, Lord *Orrery*, Lord *North*, and Sir *Harry Goring*, were the principal Leaders and Directors of the Conspiracy, which was first to have been executed in the Spring of the Year 1722, by seizing the *Tower*, upon which the late Duke of *Ormond* was to have landed in the River; that upon the Discovery of the Plot, and the King's not going abroad, it was put off for some time, but that it was afterwards resum'd to be attempted in the *West*. *Neynoe* farther added, That *Kelly* assur'd him, the Bishop got Notice of this being to be taken up, some Days before it happen'd; and that this Notice was given the Bishop by one of Lords of the Council; but he afterwards confess'd (as the Committee are inform'd) that in this, and other Examinations, he had endeavour'd all he could, to create Diffidence and Suspicions among his Majesty's Servants.

These Informations of *Neynoe* are contain'd, great Part of them, in a Paper writ with his own Hand, and deliver'd by him to a Committee of Lords of the Council. The other Part is extract'd out of Papers which he dictat'd at his several Examinations, which Papers were read to him Paragraph by Paragraph, and agreed to, by him before the Lords.

That *Neynoe* was intimately acquainted with *Kelly*, visited him often, and sometimes lay at his Lodgings, and thereby had a better Opportunity of being inform'd by him, appears from the Depositions of *Stevenson* and his Wife, *Margaret Kilburne*, Landlady to *Kelly*, and *John Malone*, Servant to Mrs. *Barnes*, who waited on *Kelly* at his Lodgings.

That the Bishop of *Rocheſter* was acquainted with *Kelly*, invited him to dine with him, sent his Servants to enquire after his Health, and wrote to him, appears from *Stevenson's* and *Kilburne's* Depositions, as also in Part from Mrs. *Levett's*. But what gives the greatest Weight to the several Particulars contain'd in *Neynoe's* Informations, is, that they are corroborated and supported in every material Circumſtance, by ſeveral concurrent Proofs.

*Pancier* depos'd, that *Skeene*, among other Particulars of the Conſpiracy, told him, that the Biſhop of *Rocheſter*, in Conjunction with the Lord *North* and *Grey*, had the principal Direction of the Conſpiracy; and that two hundred thouſand Pounds had been rais'd, and put into the Management of the Biſhop of *Rocheſter*, which was call'd the *Military Cheſt*, and was to be kept together till the Project was put in Execution.

The Committee were inform'd, that when the Biſhop was taken into Cuſtody, vaſt Numbers of Letters and Papers were found in his Houſe, bearing Date before the Year 1721, but from that Time downwards few of any Conſequence, except theſe which follow: One was from the Dutcheſs of *Ormond*, dat'd Jan. 14, 1721, in which are theſe Words: 'I reſolv'd to ſend what I receiv'd: For tho' it had not happen'd to belong to the Perſon I addreſs'd it to, I was ſure it could not be put into better Hands.' This Paſſage makes it highly probable, that the Biſhop us'd to receive Letters from abroad, directed by fictitious Names. Which is ſtill farther confirm'd by the following Circumſtances: In the Cypher which *Layer* own'd he receiv'd from Sir *William Ellis*, the Biſhop of *Rocheſter* is deſign'd by the Name of *juſtus*.

*Neynoe*



*Neynos* declar'd, that in the Letter which *Kelly* shew'd him from *Dillon's* Secretary, there were Compliments to the Bishop of *Rockester*, by the Name of *Naunton*.

Among the Bishop's Letters, was found one directed to Mr. *Dubois*, not sign'd with any Name, nor dated from any Place. It was in the following Words:

Sir,

‘ Forgive my Silence. You easily conceive the Difficulties I am under in that Regard. I write this only to assure you of my sincerest and unalterable Respect; and refer you to the worthy Bearer for News, and for every Thing, which otherwise I should have found some Way or other of Writing to you my self. I have heard nothing from you since the Letter I had about 2 Months ago by Mr. *Johnson*, to which I immediately in his Hand return'd my Answer. A Rumour has reach'd me of your having written hither since; but I can find no Body that owns he has seen your Letters.

*I am always, &c.*

Dec. 16.

The Committee observe, that *Johnson* is the Name by which *Kelly* constantly went, as appears to them from several Affidavits: And that he was at *Paris* the 16th of Dec. 1721. N S. and set out 2 or 3 Days after for *England*, as appears from the Pocket-Book taken upon him: And the Letter to *Dubois*, seems to intimate such a Correspondence as made it unsafe to write openly, and without Disguise.

Among the Bishop's Papers was found another Letter, dated *Rouen*, Jan. 15, 1722, without any Name; and the Superscription torn off: Which Letter is mention'd to be sent by an honest Gentleman; and the Writer of it desires to know how he may direct; and desires to be directed to by the Name of *Wishart*, at Mr *Arbuthnot's* at *Rouen*, which is probably a fictitious Direction, no Name being subscrib'd to the Letter. He likewise mentions a former Letter sent under Cover to their common Friend, Sir *Red.* who Sir *Red.* is, does not appear to the Committee; but they find one *Red. Eyerard*, inserted in *Plunket's* Cypher, and design'd by the fictitious Name of *Fly*.

Among the Bishop's Papers were likewise found two Letters from Captain *Charles Ha'stead* of *Greenwich*; the Person who was sent to *Bilboa*, to transport the late Duke of *Ormond* to *England*. }

Some Letters having been intercepted, which there is good Reason to believe, were from the Bishop of *Rochester*; one of these Letters being sign'd *T. Jones*, and another *T. Illington*. The Committee lay before the House the Evidence they have found of the Bishop's being design'd by those two Names, collected from Circumstances, which being in themselves seemingly minute, and of little Consequence, were, for this Reason more frankly confess'd by those, who were obstinate in concealing stronger Proofs; and yet at the same Time lead directly to the Discovery of the Person meant by those Names.

*Mrs. Barnes* being examin'd before a Committee of the Council, obstinately refus'd to make the least Discovery relating to *George Kelly*; but when she came to be ask'd what she knew about a Dog, sent over to *Kelly* from *France*; not suspecting that this could lead to any Discovery, she readily own'd, That a spotted little Dog, call'd *Harlequin*, which was brought from *France*, and had a Leg broken, was left with her by Mr. *Kelly* to be cur'd: That the said Dog was not for her, but for the Bishop of *Rochester*; and that *Kelly* promis'd to get the Dog of the Bishop of *Rochester* for her, in Case it did not recover of its Lameness. This Declaration she made, and sign'd in the Presence of the Committee of Council: And *Kelly* himself made no Difficulty to own the receiving such a Dog from *France*. But it appears by Letters intercepted between *Kelly* and his Correspondents in *France*, that a Dog so nam'd and hurt, was sent over to *Kelly* from *France*, to be deliver'd as a Present to the Person denoted by the Names of *Jones* and *Illington*.

For in his Letter to *Howell*, *Dillon's* Secretary, he mentions his having receiv'd the Present, and the Accident of a Leg being broken in the Voyage; and adds, 'I will inform Mr. *Jones* soon of it, to whom, I know any thing from that Quarter will be very acceptable.' In the same Paragraph he says, '*Mrs. Jones* dy'd last Week; and when the Days of Mourning are over, he will, I hope, be fit for Business.' This Letter was writ on *Man-*

day the 30th of *April*; and the Bishop's Lady dy'd the Week before, on *Thursday* the 26th of *April*.

*Kelly* in his Letter to *Musgrave*, the late Lord *Marr*, dated the 7th of *May*, says, 'Mrs. *Illington* is in great Tribulation for poor *Harlequin*, who is in a bad Way, having flipp'd his Leg again, before it was thoroughly well: However, his Obligations to the Lady are as great as if he had come safe, which he desires you to let her know.' The Words *He* and *His*, being relative to Mrs. *Illington*, shews it is a Man that is spoken of: The Bishop's Lady was dead at the Time this Letter was writ. And this Disguise of putting Mrs. for Mr. is frequently made Use of in the intercepted Letters, and is confirm'd by a parallel Instance immediately following. *May* the 9th, *Dillon's* Secretary writes to *Kelly*, and says, 'Mrs. *Chivers* prays you will condole in his Name on the Death of Mrs. *Illington*.' It appears by these Passages, that the Dog was for Mr. *Jones*, alias *Illington*: And upon *Kelly's* writing Word that Mrs. *Jones* was dead, the Correspondents condole on the Death of Mrs. *Illington*; which shews *Jones* and *Illington* to be the same, and both to be made Use of to denote the Bishop.

On the 11th of *May*, *Motfield* (the same with *Musgrave*, that is the late Lord *Marr*) sends a Letter to Mr. *Illington*, enclos'd under a Cover to *Kelly*; in which, after acknowledging the Receipt of *Illington's* Letter of the 20th of *April*, he adds, 'I did not expect so soon after to have heard of a Loss you have had since; for which I condole with you, and nothing which concerns you so near can fail touching me, as in Friendship it ought. It is tho' becoming us, as it is our Duty to submit with Resignation to what the just and great God thinks fit to order for us in this vain and transitory World; but you know such Things so much better than I, that I will not trouble you with saying any more upon it.' This last Paragraph seems to point out the Character and Function of the Person to whom the Letter was writ. *Motfield* adds, 'I would fain hope, that your own Distemper will soon give you Ease;' which agrees with the Circumstance of the Bishop's being ill of the Gout, at the Time of his Wife's Death.

This Particularity, as also several others, as to the Bishop's being in Town or in the Country, exactly agree with what is mention'd in the intercepted Letters.

And

And these several Circumstances join'd to *Neynoe's* Declaration, that *Kelly* had told him, the Bishop went sometimes by the Name of *Jones*, and that *Carte* had told him, the Bishop went by the Name of *Illington*, shew, that wherever *Jones* and *Illington* are nam'd in *Kelly's* Correspondence, the Bishop of *Rochester* is to be understood by those Names.

The Committee next proceed to the Part which *Jones* or *Illington* appear to have born in the treasonable Correspondence.

It appears by *Kelly's* Pocket-Book, that *Kelly* set out for *Paris* on the 22d Day of *February*, 1721-22, and return'd to *London* about the 8th of *April* following. It appears by *Mrs. Levett's* and *John Malone's* Deposition, that he came to *Mrs. Barnes's* on Wednesday the 11th of *April*, at Eight in the Morning, extremely fatigu'd, and went immediately to Bed. *Mrs. Levett* depos'd upon Oath, That *Mrs. Barnes* told her, he was then just arriv'd from *France*, and brought over Letters with him: That several of the Disaffected had been at her House to enquire after him before his Arrival, and express'd the utmost Concern for fear he should be taken. And *Neynoe* declar'd, that he saw a great Bundle of Letters, which *Kelly* brought over from *France*. *Mrs. Barnes* farther told *Mrs. Levett*, that the Day after, (viz. Thursday the 12th of *April*) the Bishop of *Rochester* sent his own Coach to fetch him, and that *Kelly* was absent in the Country 'till Saturday the 14th. Two Depositions, annex'd to this Report, shew, that the Bishop of *Rochester* came to Town on Wednesday the 11th, and went to *Bromley* on Thursday the 12th of *April*.

It appears by a Letter writ to *Kelly* from *France* by the late Lord *Marr*, and intercepted, that on Monday the 16th of *April* (which was the first Post-Day to *France*, after the Bishop had sent for *Kelly*) *Kelly* had writ to *Marr* an Account of his Negotiations with *Illington*, and of *Illington's* willingness to be reconcil'd to one, design'd by the Name of *Hacket*. Who *Hacket* is, does not appear, but he is describ'd in several of the Letters as a Person in ill Health, retir'd in the Country, and one in whom the Pretender's Agents at *Paris* place their greatest Hopes and Confidence next to *Illington*. This Reconciliation with *Hacket*, *Illington* was desirous might be kept secret for some Time, that it might not be known they acted in Concert.

It

It appears by another Letter to Kelly from Dillon's Secretary at Paris, that Illington had writ a myſterious Letter thither, and that Kelly had writ a ſubſequent one in Explanation of it, which had been ſhewn to Dillon.

The firſt Letter that was intercepted from Kelly himſelf, was dated 22d of April, ſign'd James Johnson (the Name he always went by, and often ſign'd by) and directed to Gordon Jun. Banker at Boſlogne, at whole Houſe it is probable, he had been entertain'd in his laſt Return from Paris; which Gordon is mention'd in a Letter from Mr. Grauford, as being formerly the Pretender's Banker, and as one employ'd in hiring a Veſſel to transport ſome of the Chiefs of the Conſpiracy to England. In his Letter to Gordon, Kelly recommends to his Care a Packet enclos'd.

This Packet was directed to Mr. Chivers, (Dillon) and conſiſted of three Letters, one directed to Chivers himſelf, ſign'd T. Jones, another to Muſgrave, ſign'd T. Illington, a third to Mr. Jackson, (the Pretender) ſign'd 1378, which Number is found by the Decyphers, to denote the proper Name of a Perſon beginning with the Letter R. in the Cypher made Uſe of in theſe three Letters, the Order of which, is alphabetical. All the three Letters were dated on the 30th of April, and appear by the Matter to be from the ſame Perſon, which prove 1378 to be the ſame with Jones and Illington. The Letters to Muſgrave and Jackson, were enclos'd in that to Chivers.

The Perſon who dictated theſe Letters, ſpeaks of himſelf as being in ill Health, in great Pain, under ſome ſad and melancholy Circumſtances, which made him incapable of doing any thing regularly at that Time, but which he expected would ſoon blow over; which agrees with the Biſhop's Circumſtances at that Time, whoſe Wife was extremely ill, and dy'd ſix Days after, and he himſelf, was at that Time afflicted with the Gout. The Letter to Chivers is great Part of it out of Cypher, and with the Decyphering is in the following Words:

Sir

April 20, 1722.

I Ought to acknowledge in Form the ſeveral Papers I have ſucceſſively receiv'd from you, if I were capable at preſent of doing any thing regularly; but indeed I am not, as Hatfield well knows, and why I am not: Some Time muſt paſs before I am any

any Way capable of Buſineſs; in the mean time, you are in the Right to preſs the Gentlemen concern'd, by all Manner of Ways you can think of, to furniſh, what by being hitherto not ſupply'd, has render'd the Thing impracticable. They were deſirous of having that Matter entirely in their own Management, and I not unwilling that they ſhould have it, being always diſſident of Succeſs, on my Part upon Interpoſitions of that Kind; and therefore it gave me no Concern to be ſo freely excus'd from any Share (as I was for a great while) in that Trouble. At laſt indeed, when the Point was found upon Tryal, to be more difficult than they expected, I was preſs'd to undertake the Matter; but ſo late, that I did not think it reaſonable for me then to interpoſe, nor can I yet undertake any thing of that Kind, it being what (ſince ſome former Miſmanagement wherein I was deeply concern'd) I have conſtantly declin'd, hoping that I might not be altogether unuſeful to the Service, if I went on to promote it in my own, that is, in another Way. I ſtill hope ſo, and that a little Time (which muſt be employ'd in doing nothing but ſoliciting Supplies) will give me Room for entering into Meaſures that may be ſomewhat more ſignificant than thoſe formerly taken; this I ſhall endeavour, being at preſent perfectly tir'd by the diſtracting Meaſures which have been taken from ſeveral Quarters, by Perſons no Ways equal to the Work, and at the ſame Time not agreeing among themſelves. This is all I can ſay at preſent, but that I am, with the ſame entire Reſpect and Fidelity I ever was,

Sir,

Your moſt, &c.

T. Jones.

I have communicated the Copies of Mr. *Mansfield's* and *Jacob's* Letters, which beſides the G . . . . ., (whereof they had a Copy) were the only ones of thoſe transmitted, that I was directed, or indeed thought proper ſo to do. Though I have for ſome Time thought, that nothing of Importance ſhould be truſted to the Poſt, and I am reſolv'd myſelf not to ſend that Way; yet the Death of Lord *Sunderland* makes ſuch a Caution more indiſpenſibly neceſſary; for you may depend upon't, that thoſe in Power here, will now enter into Meaſures of more Severity and Strictneſs, and employ all their Diligence, as well as Power, on ſuch Occaſions.

The

The Bishop's Letter to *Musgrave*, (the late Lord *Marr*) as follows:

To Mr. *Musgrave*.

Sir

April 20, 1722.

I Receiv'd from Mr. *Hatfield* (after a long Intermission of such Favours) a Letter, which was very welcome to me: I have also consider'd carefully what he had to offer to me in particular, and entirely agree with what is propos'd; but my present sad Circumstances (of which he has already inform'd you) will not suffer me to be active soon, or even set forward the Affairs intrusted with me in so speedy a Manner as I could wish; the best is, that as I cannot act openly, so neither is there, I think, any immediate Need of it, some Time being requisite towards ripening Matters, in order to fix the C . . . . .  
. . . . .d, which, if hastily begun, may be attended with Suspensions and other Inconveniences; but you may depend upon it, that the : . . . .  
. . . . .s committed to my Care, shall be forwarded in due Time to the Persons concern'd, as also all such other : . . . . s as I judge, and at the Time I judge, they will best promote the Service. What is to be wish'd for, is, that the Person whom I am to act with, would come to Town, and his doing so may be facilitated better from your Side, than by any thing that can be done here; by that Time he comes, I hope, I shall be able to take my Part with him. I add no more now, being very unfit to say even thus much, but that I am with entire Respect and Confidence, Sir,

Exc.

T. *Illington*.

That *Musgrave* (to whom this Letter was directed) means *Marr*, is thus prov'd; *Dillon*'s Secretary writes to *Kelly*, that Mr. *Lane* (over-against which Name in *Plunket*'s Cypher, is writ Lord *Marr*) was much pleas'd with his first Letter, which was writ on the 16th of April. Soon after a Person writes to *Kelly*, acknowledging the Receipt of this Letter of the 16th of April, and expressing his Satisfaction at *Illington*'s Willingness to be reconcil'd with *Hacket*; his Letter is sign'd 918, which Number is found by the Decyphers to denote the proper Name of a Person beginning with the Letter M, and *Kelly* answering this Letter, directs to *Musgrave*. Besides which, *Musgrave* is found to be a Person, whose

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Pension

Pension is said to be stopp'd in England, at the very Time that a Pension granted to the late Lord Marr was stopp'd, and is spoken of in other Letters, as one suspected of betraying them, with such Circumstances as fix the Person meant, to be the late Lord Marr.

The Bishop's Letter to Jackson, the Pretender, is as follows.

To Mr. Jackson, under the Cover of Mr.  
Gordon le fils Banquier a Boulogne sur  
Mer.

Sir,

April 10, 1722.

I AM sorry to find by yours, which *Hatfield* brought, that you know our Circumstances on this Side so well, because that Knowledge does not, I apprehend, give you any advantageous Opinion of us; However, let that be as it will, 'tis not fit you should be deceiv'd, and rely on more than will be made good to you: If you guess'd at my right Mind, I dare say, it was agree'd to your own, and that you could not but see through the Forwardness of those unsupported pretending People. Notwithstanding this Opportunity is elaps'd, I agree with you, another may offer before the End of the Year, tho' not perhaps every Way so favourable; However, it became me to speak so strongly on that Head, especially at the Time when the . . . . . was drawn, which was long before it was transmitted, for it was kept back a great while, in Hopes that Deeds might have accompany'd Words, and sent at last rather to justify the Writer in Respect to that Part he had undertaken, than to push on any Design in so unprovided a Condition. I find I was not mistaken, and am glad I was not so, tho' every Word of that . . . . . pass'd the View and Approbation of the Persons concern'd, but they were to be, and shall always be by me treated tenderly, tho' nothing shall engage me to enter deep with them for the future. I had taken this Resolution before *Hatfield's* Return, and am pleas'd to find that you concur with me in Opinion. As soon as God restores me to my Health, and some other melancholy Circumstances are blown over, which will be as soon as there is any Occasion for me, I will not be idle: in the mean time give me Leave to withdraw myself seemingly from any Engagement of this Kind; I shall return to it, I doubt not, with more Ability to promote



' promote the Work: Not that I will decline any proper Occasions that may offer themselves to converse freely with the Men and in the Manner I have been us'd to do, for it is fit upon all Accounts I should do so; but by little and little that Confidence will cool, and make Room I hope for somewhat of a more solid and important Nature. I dictate this in great Pain, and for that Reason, and because I am not at present in any Readiness to go further, shall add only my faithful Assurances of an entire and unalterable Respect for you.

R.

That *Jackson* (to whom this Letter is directed) means the Pretender, appears from *Plunket's* Cypher, in which, over-against the Name of *Jackson*, is writ *The King*; tho' two Names had gone before in that Cypher, over-against which, is writ *King George*. Besides which, *Plunket's* Letter mentioning his and *Laver's* Journey to *Rome*, is directed to Mr. *Jackson*; and *Jackson* appears from other Letters to be the same with *Malcolm*, to whom Application is made in a Letter from *Edinburgh*, for a Patent for Knight Baronet, and for Orders to raise one or two Battalions. The Cypher made Use of in these three Letters, is the very same that is made Use of in two Letters, intercepted from the late Duke of *Ormond's* Agents in *Spain*. And the same Cypher is also us'd in Letters from *George Kelly*, and to *Dennis Kelly*. And among the Papers of the latter, was found a Piece of a Cypher, in *George Kelly's* Hand-Writing, which is a Supplement to the Cypher made Use of in *Jones* and *Illington's* Letters.

The Clerks of the Post-Office, who open'd and copy'd these three Letters, having been shewn several Papers sworn to be *George Kelly's* Hand-Writing, have depos'd that the Letter to *Gordon, Junior*, sign'd *James Johnson*, as well as the three Letters enclos'd in it, directed to *Chivers, Musgrave, and Jackson*, were all, to the best of their Knowledge and Belief, writ in the same Hand with those Papers; which join'd to *Neymour's* Information, that *Kelly* had told him, he was employ'd in Writing Letters for the Bishop to the Pretender's Agents abroad; that the Bishop never let him carry a Bit of his Hand-Writing out of the Room; and that *Kelly* made Use both of a numerical Cypher, and a Cypher of fictitious Names, for managing this trea-

sonable Correspondence, appears to be a strong Confirmation, that these three Letters were dictated to *Kelly* by the Bishop, and that the Bishop is the Person denoted by the Names of *Jones* and *Illington*, and by the Cypher 1378.

The Committee having thus mention'd the Grounds they have to be convinc'd that these three Letters were sent from the Bishop of *Rocheſter* to General *Dillon*, the late Lord *Marr*, and the Pretender, they observe, from his Letter to *Dillon*, that he has contracted a great Intimacy and Familiarity with a profess'd Roman Catholic, who appear'd openly in Arms against the late King *William* in *Ireland*, and being oblig'd to leave that Country so long ago as the Capitulation of *Limerick*, has ever since adher'd to the same Cause in foreign Parts, and is at present more active and industrious than any other of the Pretender's Agents in exciting a Rebellion in these Kingdoms. He is at this Time a Lieutenant-General, and has the Command of one of the *Irish* Regiments in the *French* Service. The Committee observe, that as the different Professions of these two Persons could lay no Foundation for an Intimacy or Intercourse between them, so the long Absence of General *Dillon* makes it highly probable, that their Acquaintance could not be commenc'd before his leaving these Kingdoms; and that it can only have proceeded from their being long united and confederated in the common Support of the same wicked Cause. Yet their Intimacy is such, that the Bishop acknowledges the Receipt of several Papers from *Dillon*, together with Directions for communicating them, which the Bishop owns, he obey'd, as far as he judg'd it proper for the Service. Some of these Papers appear to have been from the late Duke of *Ormond*, who is attainted; and others probably from the Pretender, whom he has so often abjur'd.

He advises *Dillon* to press the soliciting Supplies; and owns he has been desir'd to undertake that Province himself, but that he had hitherto declin'd it; not from such Restraints as would naturally have arisen in the Mind of one of his Character and Function, but merely on Account of some former ill Success and Mismanagement, in which he owns he had been deeply concern'd. He afterwards advises *Dillon* to use the same Caution which he himself intended, of not trusting any thing of Importance to the Post, endeavouring to act within

within the Shelter and Safeguard of the Laws for subverting our happy Constitution.

This great Caution, which (as *Neynoe* said, *Kelly* told him) the Bishop us'd, made him so extremely careful, as not to let even the Man he trusted most, have one line of his own Hand-Writing; and shews that he was wonderfully solicitous, not to avoid the Guilt of Treason, but only to escape the Punishment due to it, by saving himself from the Danger of legal Conviction.

Another of his Letters, is to the late Lord *Marr*, who so lately appear'd in Arms against his Majesty, and has since had a Post of the greatest Confidence and Trust near the Pretender. In this Letter, he owns the Receipt of one from *Marr* by *Kelly*, together with verbal Instructions; which to cut off all Excuse of Surprize or Inadvertency, he says he carefully consider'd, and yet entirely agreed to. He then mentions his present sad Circumstances, but comforts himself, that as they will not permit him soon to act openly; so neither is there, he thinks, any immediate Occasion for it, some Time being necessary towards ripening Matters; so that when a proper Opportunity should have offer'd, the Mask was to have been thrown off, and he was then openly to have avow'd the Cause, which he has hitherto supported only in Disguise.

The other Letter of the Bishop's is to the Pretender himself, in Defiance of that Law which makes the holding any Correspondence with him, or his Agents, High Treason. In this Letter he owns the Receipt of one from the Pretender; and to shew how well he deserv'd that Confidence, he himself, who best knows the Thoughts of his own Heart, declares, that if the Pretender guess'd at his right Mind, he dares say it is agreeable to the Pretender's own. He then encourages the Pretender to hope for a second Opportunity, though not every Way so favourable as the first, which was elaps'd.

This favourable Opportunity appears to have been that of the Elections; and the Committee observe, that the two most riotous Elections of any throughout the Kingdom, were that of *Westminster*, a Place under the immediate Influence of the Bishop of *Rocheſter*; and that of *Coventry*, which appears by this Report to have been animated by *Carte*, an Agent of the Bishop's, and one employ'd by him in managing his treasonable Correspondence.

Ipochondria. He afterwards takes to himself the Merit of some Writing, which he had drawn up and transmitted to the Pretender, after it had first pass'd the View and Approbation of the Persons concern'd: Tho' he says it had been kept back a great while, in Hopes that Deeds might have accompany'd Words: Which again shews his treasonable Intentions to have been the Result of mature Deliberation; and that tho' he had hitherto dealt in Words, yet other Acts of Treason were what he hop'd for, and was aiming at. As soon as God should restore him to his Health, he promises to abuse it towards the Prosecution of his Treasons, and in the mean time desires Leave to withdraw himself seemingly from any Engagements of that Kind, that he might return with greater Zeal and Activity to destroy this Church and State, by placing a Popish Pretender on the Throne, in Violation of the most sacred Oaths so frequently taken by him.

The Committee in the next Place shew what farther Part the Bishop appears to have had in the treasonable Correspondence and Negotiations carry'd on with the Pretender's Agents in France, particularly with the late Earl of Marr, and General Dillon, and his Secretaries: And among other Things, they observe, that on the 9th of May, Dillon's Secretary writes to Kelly, 'That if this Post had not brought an Addition of three to the six formerly come from Repney, it is easy for Mrs. Jones to see what is still wanting for the Purchase she intends to make.' Who is meant by Repney, is not certain, but there appear Grounds of a probable Conjecture, that this Passage relates to a Bill of Exchange (of six thousand Pounds probably) sent over to Calais, and thence to Waters the Pretender's Banker at Paris, on the 16th of April; the Receipt of which is acknowledg'd in several Letters both to George Kelly and Dennis Kelly. This Paragraph, which says, 'That if three more are not come, besides the six from Repney, it is easy for Mrs. Jones to see what is still wanting for the Purchase she intends to make,' shews plainly, that Jones was at least privy to that Remittance, which agrees with what Pancer has depos'd upon Oath, that he was told by Skene, among other Particulars relating to the Conspiracy, that a large Contribution had been rais'd and put under the Management of the Bishop of Rochester, which was call'd their military Chest.

On the 10th of May (three Days after the Encampment) *Kelly* writes to *Dillon's* Secretary, 'That it was reported the King had absolutely refus'd to put off his Journey, and intended to set out early next Month; and that if they could then compass *Barrels* enough, the sooner the Wine comes, he believes, the better.' He adds, 'That *Jones* promises to be a good Customer, and that he hopes, *Hacket* and *Jones* will give them the finishing Stroke.' The Time of Year in which this Letter was writ, and the absurd Supposition of its being more difficult to find *Barrels* than *Wine*, shew sufficiently that these Words are not to be taken in their literal Sense. And the Committee were inform'd, that *Wine* was explain'd by *Neyme* to mean *Invasion*, tho' he had never been told that any such Word had been made Use of in these Letters, nor had been ask'd any Question about it; and in *Plunket's* Cypher, *Barrels* is explain'd *Army*, and *Vines*, *one thousand Men*.

On the 19th of May, *Dillon's* Secretary writes to *Kelly*, 'That he is assur'd by good Hands, *Hacket* and *Jones* are the best able to adjust his particular Concerns; that he does not question their good Dispositions, and that doing it timely will be a double Merit.' On the 19th of May, *Kelly* was taken into Custody; about the 7th of June he was admitted to Bail, and on the 11th he writes an Account of his Examination to one *Gerard*, whom the Committee believe to be Sir *John D'Obryan*, whom *Kelly* own'd to be employ'd by *Dillon*, in writing for him. In this Letter *Kelly* says, 'He was chiefly question'd about a little Dog he got from *France*, and about five or six cant Names, which were *Illington*, *Jones*, *Cane*, *Howell*, *Quitwell*, and *Hacket*; and that whoever *Illington* is, he was the Person chiefly struck at.' On the 18th of June, he writes to *Dillon*, 'That it is absolutely necessary to make no more Use of their present Account-Book, since those that have got Part, may by the same Method have got the whole; and that it will be highly improper for him to meddle with Business, at least for some Time.' From this Time forward the Committee observe, that the Names of *Jones* and *Illington*, are no more heard of in the intercepted Correspondence; neither does *Kelly* so frequently write Letters of great Business, but in his Stead *Thomas Carte* Clerk, takes up the Management of the Bishop's Correspondence.

The Letters from *Carte* are sign'd, and those to him, directed by the Name of *George Williams*; and Mrs. Har-

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in, to whose House they were directed, having been examin'd before some Lords of the Council, depos'd, that *Carte* desir'd her to take in Letters so directed, and that she deliver'd one so directed into his own Hands. And in the Cypher taken among *Dennis Kelly's* Papers in *George Kelly's* Hand-Writing, Mr. *Carte* is design'd by the fictitious Names of *Thomas* and *Trotter*, who appear, by comparing several Passages in the Letters, to mean the same Person with *George Williams*. From the Time of *George Kelly's* being first taken up, the Bishop of *Rocheſter* is denoted by the Names of *Rig* and *Wefſon*, as appear from many Circumstances.

It appears by the Letter from *Dillon's* Secretary of the 7th of *June*, that they apprehended in general, on *Kelly's* being taken up, that some of their Correspondents would be oblig'd to go aside, but that their greatest Pain was for Mr. *Wefſon*, whose Intimacy with *Kelly* was such, that *Kelly* is stil'd his Clerk, which is no improper Name for one that kept the Cyphers, which are stil'd throughout the intercepted Letters, *Books of Accounts*, and in *Laver's* Cypher, are call'd *Rentals*. If *Kelly* had had no Secrets to reveal, the Pain for Mr. *Wefſon*, and the Fear of other Correspondents going aside, would not have been so considerable. On the 14th of *June*, *Carte* sets them at Ease in Relation to *Wefſon*, who was, he says, as easy in his Affairs as any Man alive; which might be the Case, *Kelly* having burnt his Papers, being bail'd out and at Liberty to assure his Friends, that the Lords could get nothing out of him at his Examination, where he strenuously deny'd his having ever heard of the Names of *Jones* or *Illington*. On the 11th of *June*, *Kelly* sends his Friends at *Paris* an Account of his late Misfortune; and after complaining of their Neglect, in not bailing him out sooner, and intimating that such Usage might have provok'd a passionate Man to betray their Secrets; he says, your old Friend *Rig* indeed, offer'd all that could be expected from the poor Man. This Passage proves pretty plainly that *Rig* was one of those, whose Secrets it was in *Kelly's* Power to have betray'd, and who therefore thought himself principally concern'd to keep *Kelly* in good Temper, by all possible Offers of Assistance.

*Kelly* in his next Letter of the 18th of *June*, says, 'The Occasion of my Misfortune I will lay at no Body's Door in particular, tho' your old Friend *Rig* seems to believe, it has rather proceeded from some pretended Friend,

' Friend, than any real Enemy; and as his Conjecture ' lies on this Side, you may easily guess the Point it ' tends to.' This Passage shews, that the Discoveries made were known by *Rig*, to be well founded, since no one could be led to suspect, that an Information entirely false, should proceed from some Friend entirely in the Secret; besides, it shews *Rig* had Friends, in whose Power it was to betray him, and that those Friends were known to the Correspondents in *France*, since *Kelly* says, they are able to guess who it is that *Rig* suspects on this Side. This is a farther Intimation, that *Rig* had Friends on the other Side of the Water, in whose Power it was equally to have betray'd the Secret.

*Kelly* then tells *Dillon*, ' That it is absolutely necessary to make no more Use of their present Accompt-Book, since they that have got Part, may by the same Meth d have got the Whole.' This is a direct Confession, that the Names of *Jones* and *Illington*, and others on which *Kelly* was question'd, were really a Part of the Cypher in Use between him and his Correspondents in *France*: and as *Kelly* writ Word that *Illington* was the Person principally struck at, and knew very well by Mrs. *Barnes's* Confession, about the Dog, who *Illington* was understood to be, it amounts to a Confession, that that Exposition of the Name of *Illington* was true. He then adds, ' All that lies in my Power now, will be to deliver your Cousin *Rig* any Goods you can send by private Hands, he being determin'd not to receive them any other Way.' So that by private Hands, *Rig* was still willing to receive them.

However, *Kelly* says, ' If your Business can be convey'd any other Way to him, you cannot do me a greater Favour; for to tell you the Truth, it is against my Opinion and Inclination to have any farther Dealing that Way.' This shews what Dealing *Kelly* had hitherto had, and at the same Time explains, how *Carte* comes to be employ'd in managing the Bishop's Correspondence for the future. *Kelly* adds, ' That he does not know how far this late Affair may affect *Rig*.' This shews that he knew *Rig* was engag'd in some criminal Correspondence, since the receiving a Dog from *France*, or being call'd by a fictitious Name, could not otherwise have affected him.

On the 16th of *July*, *Carte* writes a long Letter about some MSS. and *Weston's* Opinion of them, as also that of

*Finch.* What is meant by Manuscripts, does not appear; neither is it certain who *Finch* is, but he is spoke of as being in high Repute with *Weston*.

On the 1st of *August*, *Dillon* writes to *Carte*, 'That he cannot apply to a more sufficient Judge than *Weston*, about his Concern with Mr. *Finch*; and he often repeats, that he makes a most particular Case of Mr. *Weston*'s Judgment, that he relies entirely on *Weston*'s Friendship and Advice, and other Expressions of the like Nature.'

On the 4th of *July*, *Dillon* writes a Letter to *Weston* (the Bishop) enclos'd to *Carte*, in the following Words:

To Mrs. *Weston*, inclos'd to Mr.  
George Williams at Mrs.  
Harbin's overagainst Somers-  
set-House.

Dear Madam,

Saturday July 25, 1722.

I Cannot on any reasonable Grounds complain of your Silence, tho' long it appears, because I am inform'd of the Situation of your Health, and the Concerns of your Family are in by Bankrupts and Law-Suits: Permit me however to fulfil a Part of my Duty in presenting you my best Respects, and unalterable Attachment to you and yours. I wish this may find you so far recover'd from past Mischances, as that you may be once more in a Humour of affording me a comfortable Line. I have all the Stock I bought lying by, and I intend it shall remain so, until you advise me of the proper Time to dispose of it, being fully convinc'd, that in the slippery Age we live in, I cannot confide to any better than you. I hear many say that our Stocks will infallibly rise again to a good Height, by Mr. *Walpole*'s wise and able Management; from whence I should hope not to be so much a Loser in reserving mine. Still my Lights at this Distance can be but very imperfect: Therefore, Dear Madam, I will earnestly pray your Direction, when you find Leisure to grant me this Favour, as also of forgiving this Trouble, for which I offer Amends in any Manner I can be of Service to you. The few Acquaintances of yours I converse with in these Parts, are well, and rely as I do, on your friendly Advice, in a most particular Manner, about their Concerns in the Funds. They desire you will



will be pleas'd to admit Mr. Skinner to receive your Commands, who is directed to call upon you, and explain some Particulars too tedious for a Letter. He seems to be very ready at Business, and will obey your Orders punctually. I am,

Sc.

Digby.

On the 16th of July, Dennis Kelly writes Word to France, that Skinner arriv'd in Town the Night before, that he had been to wait on him, longing much to know how the Fall of Stocks affected his Friends. On the 26th of July, Kelly writes to Dillon's Secretary, 'That Rig and Skin had been lately together, and that before they met Rig had sent to him, to know if Skin stood well with Dillon and Partners.' He adds, 'That Rig still seems to promise his Assistance, if he can get the better of his Suspicions; and that Rig went into the Country the Day after Skin and he had been together.' It appears by a Deposition annex'd to this Report, that the Bishop came to Town on the 19th, and return'd to Bromley on the 21st of July.

On the same Day that Kelly writ, Stanley (who is the same with Skinner) writes to Dillon, 'I have been with your Correspondent to whom the Letter of Credit was sent, who has partly answer'd my Demands, and promises to comply in all Points with your Directions.' He then adds, 'I must now give you an Account of what Product may be hop'd for from the publick Funds.' Then follows a Paragraph, some few Letters of which are in Cypher, but, as the Committee are inform'd, in such an easy and obvious one, that any one that reads it, may with the least Attention decypher it. In this Paragraph, instead of saying a Word about the Funds, he acquaints Dillon, 'That they are certainly betray'd by some one entirely in the Secret, who has given such Light into all their Affairs, that the most minute Circumstances are perfectly found out; that therefore, he must caution him, as he is requested, to be very careful who he converses with, even at Paris, without excepting any one.' This Paragraph explains sufficiently what is meant by Stocks and Funds; and it is remarkable, that in Plunket's Cypher, Brokers is explain'd Agents. The owning themselves discover'd by some one entirely in the Secret, proves there was a Secret, and that the Discoveries of the Government were well founded. He then adds, 'I

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have

‘ have partly prevail’d with the Correspondent (*Weston*)  
 ‘ to undertake what he had firmly resolv’d against,  
 ‘ which is the procuring *Arrack*, which cannot fail suc-  
 ‘ ceeding by that Channel.’ And on the 30th of July,  
*Carte* writes to *Dillon* in the following Words :

‘ I Had the Honour of introducing Mr. *Stanley* to  
 ‘ Mr. *West*. who receiv’d him in the best Manner,  
 ‘ and assur’d him of his readiness to serve him in what  
 ‘ he could. Mr. *St.* was much pleas’d with him, but  
 ‘ did not engage him to solicit in his *Arrack* Affair,  
 ‘ which yet is of the greatest Consequence to him, and  
 ‘ Mr. *W.* is more capable of serving him in, because in  
 ‘ the Esteem of all the Commissioners in whose Power it  
 ‘ is to relieve him in the Case. And as Mr. *W.* would  
 ‘ do it effectually if engag’d in it; so Mr. *Stanley* desires  
 ‘ me to beg the Favour of you to request the Favour of  
 ‘ Mr. *W.* in a Letter from you to Mr. *Stanley*, which he  
 ‘ is sure would fortify the good Inclinations Mr. *W.* has  
 ‘ already to serve him, and effectually engage him in the  
 ‘ Thing.

The Original of this Letter being stopp’d, is in *Carte*’s own Hand-Writing.

What is meant by these mysterious Passages about *Arrack*, must be left to the Conjecture of the House. But if this be compar’d with the Bishop’s Letter to *Dillon*, and with *Pancier*’s Deposition, it is not improbable, that by *Arrack* may be meant Contributions of Money. Then the Committee observe, that it was a Point of the greatest Importance to the Conspirators, since it was thought necessary to be labour’d by a Person sent from *France* on Purpose; and the Bishop’s Reluctancy to come into it, argues it to have been something very dangerous, and beyond the ordinary Lengths of his Compliance. They also observe, that the principal Direction of the Conspiracy under all the Disguises of *Stock*, *Manuscripts*, and *Arrack*, is submitted to the Bishop’s Judgment, on which, it is often said, they do entirely rely.

The Committee then proceed to state what they find in the same Correspondence relating to *George Kelly*, who acted so much under the Direction and Influence of the Bishop, that it cannot be suppos’d he would take any Step of Consequence in an Affair of this Nature, without

without the Bishop's being at least made privy to it.

The Committee forbear repeating what was mention'd before, about the Heads of Memorials to the Regent brought by *Kelly* to *Neynoe*; but they find some farther Particulars in *Neynoe's* Papers relating to *Kelly* alone. viz.

That *Kelly* had own'd to him his having been formerly at *Avignon*, while the Pretender was there; that at his Return from *France* last Winter, he brought over several Papers and Letters, and among the rest, one, in *French*, in the Hand-Writing of *Dillon's* Secretary, entitled, *Reasons humbly offer'd to Cardinal Du Bois, proving that the establishing the House of Stuart on the Throne of England, preferably to that of Hanover, is the real Interest of the Crown of France, or to that Effect.* That this Piece was brought to *Neynoe* to be translated; which being written by a Papist, and turning much on the Advantage that would accrue to Popery, *Neynoe* advis'd against publishing it.

That *Kelly* told him at other Times, that one hundred thousand Pounds, nay fifty thousand Pounds would be sufficient for bringing in the Pretender, and that he would warrant that Sum would be found. That whenever there happen'd to be a Stand made for the Pretender, great Numbers of Voluntiers from *France* would appear for him, which agrees with the Accounts sent from thence; and with the Letter from *Dillon's* Secretary, about securing *Sadlers*, which *Kelly* explain'd to *Neynoe* to mean *Irish* Soldiers. *Neynoe* farther said, that *Kelly* propos'd to him to go over to *France*, and to settle in Lord *Lansdown's* Family, where he said he might be of Service, and promis'd to make his Reception easy. And the Committee observe, that the very Time, when *Neynoe* was taken going to *France*, *Kelly* writ to *Dillon's* Secretary, 'That he would soon see a young Fellow, 'whom he had mention'd to him some Time before, and 'that he might rely on his Honesty.

*Neynoe* farther declar'd that *Bingley* his Fellow-Traveler (now in Custody) lodging in the same House with *Kelly*, when *Kelly* was first taken up, burnt a Bundle of Writings, he had that Day receiv'd from *Kelly*.

*John Malone* (formerly Servant to Mrs. *Barnes*) who waited on *Kelly* at his Lodgings, has depos'd, that this *Neynoe*, *John Plunket* now in Custody, *Carte* and *Dennis Kelly*, often visited *George Kelly*. As *George Kelly* is frequently

quently design'd by a great Variety of fictitious Names in the intercepted Correspondence, the Committee think it proper first to apprize the House, what Reason there is to assert, that those Names do really belong to *Kelly*, and then to shew the Nature and Import of the Correspondence carry'd on under those Names.

It appears to the Committee, that since the Beginning of *April*, 1722 (the Time of *Kelly's* last Return from *France*) a great Number of Letters going to *France*, were by Order of the Government open'd, and Copies of them taken; and that several of those Letters, tho' sign'd by different Names, were observ'd by the Clerks who copy'd them, to be all in the same Hand-Writing; and one of the Originals having been stopp'd for a Specimen of the Hand, and having been shewn to *John Malone*, he has depos'd upon Oath, that he has often seen *George Kelly* write, and that he believes it to be his Hand. Three other Papers seiz'd at *Mrs. Barnes's*, having been shewn to *Malone*, he has sworn them severally to be *Kelly's* Writing; and the same three Papers having been shewn to the Clerks of the Post-Office, they have sworn, that to the best of their Knowledge and Belief, as well the original Letters stopp'd, as the others sent forwards, which were sign'd, some of them *Johnson*, others *Hatfield*, *J. J.*, *G. H.*, and *Wilkins*, were all in the same Hand with those three Papers so attested. This general Proof fixes several of the Names to belong to *Kelly*; and it is remarkable, that if any one of the Names abovemention'd, be allow'd to belong to *Kelly*, all the rest, by which he signs or is directed to, may, by the Series of his Correspondence, be shewn to belong to the same Person. But the Committee farther observe, that almost every individual Name he makes Use of, is attended with some particular Proof, which determines it to belong to him; He came from *France* about the 19th of *December*, N. S. 1721; and a Letter was found among the Bishop's Papers, dated the 16th of *December*, in which Mention is made of a Letter receiv'd by *Johnson*, and an Answer return'd some Time before in *Johnson's* Hand. *Neynoe* declar'd that the last Memorial to the Regent, which *Kelly* employ'd him to draw up, was in *December*, 1721, and that it contain'd a Demand of five thousand Men for the Assistance of the Conspirators; in *February* following *Kelly* went again to *France*, and towards the End of *April* the Government receiv'd unquestionable Accounts, that repeated Application

had

had been made to the Regent for such a Body of Forces.

The Bishop in his Letters (writ soon after Kelly's Return from *France*) acknowledges the Receipt of a Letter, and verbal Instructions from *Marr*, by *Hatfield*, and of a Letter by the Pretender from the same Hand, and mentions *Hatfield*, as knowing his present Unfitness for Business. But the Letters sign'd *Hatfield*, which were copy'd at the Post-Office, are sworn to have been in the same Hand with other Papers which are sworn to be *Kelly's* Hand-Writing; and it appears by a Letter from *Marr* to *Hatfield*, that he was the Person to whom the Dog was sent for *Illington*, which shews *Hatfield* to be *Kelly*, and confirms *Neynoe's* Information, that *Kelly* receiv'd Letters directed by the Name of *Hatfield*; and it appears, that he not only brought over Letters from *France*, agreeably to what was told Mrs. *Levett* by Mrs. *Barnes*, and confirm'd by *Neynoe*; but that he was trusted with a Letter to the Bishop from *Jackson*, the Name made Use of for the Pretender, in *Plunket's* Cypher, which Cypher, it is evident, *Kelly* was no Stranger to, since he makes Use of several other Names found in that Cypher, to denote the very same Persons that are there express'd and design'd by those Names.

On the 21<sup>st</sup> of *April*, *Dillon's* Secretary writes to *Joshua Vernon*, congratulating his safe Return; and tells him, 'That his first Letter was very pleasing to Mr. *Lane* (which is explain'd Lord *Marr* in *Plunket's* Cypher) who waited with much Impatience for those of *Monday*, hoping to receive a more particular Account of his Bills, which he daily becomes more press'd for, the Prospect of a good Vintage encreasing by late Showers which had dropt there, and rais'd the Spirit of the Labouers; he adds, that it seems more plain, that on Advances of ready Money, good Bargains may be propos'd.' He after tells him, 'That *Dillon* advises, the Money, which *Kelly* mention'd in *Clynton's* Hands, should be equally divided between *Madley* and the Pretender.' Who *Clynton* is, does not appear to the Committee, but they see Reason to believe from Passages in other Letters, that *Madley* means the late Duke of *Ormond*. He then tells *Kelly*, 'That *Farmer* and Family are well, and that Mrs. *Hughes* became so very uneasy she was dismissed, and is on return. This Passage shews, that *Farmer* means the Pretender, it being well

well known that Mrs. *Hughes* was Nurse to the Pretender's Child, and was on her Return to *England*, about this Time.

From this Letter the Committee observe, that *Kelly* was employ'd by *Marr* and *Dillon*, in soliciting Supplies for the Service of the Conspirators; and that he had acquainted them of a Sum of Money lodg'd in the Hands of one whom they call *Clynton*, which they advised, should be equally divided between the Pretender and *Ormond*; whether *Kelly* was considerable enough to have this Advice sent him for his own Government and Direction, or was only to be the Chancel for conveying it to some other Person of greater Distinction, is left to the Consideration of the House.

On the 23d of *April*, *Kelly* sent the Bishop's Pacquet of Letters under Cover to *Gordon* at *Boulogne*, with Orders to him to deliver it to a tall black Man, who would soon call on him for it. This Person is in other Letters, call'd *Crow*, and appears to the Committee, by several concurrent Proofs to be *James Talbot*, an Irish Papist, concern'd in the *Preston* Rebellion, and now in the *Spanish* Service. *Kelly* in his Examination before the Committee, own'd his being intimately acquainted with this *Talbot*, and his having seen him the Morning he left *England*, and a Letter sign'd *J. Talbot*, was seiz'd among Mrs. *Barnes's* Papers, in the same Hand with a Letter sent from *France* to *Kelly*, sign'd *J. T.* which is an Answer to one writ by *Kelly* to *Crow*. On the 29th of *April*, *Gordon* acknowledges the Receipt of a Pacquet (already prov'd to be the Bishop's) and says he deliver'd it to the Gentleman as he was directed, who set out for *Paris*, on the 30th of *April*. On the 1st of *May*, *Dillon's* Secretary writes to *Kelly*, 'Your Friend *Crow* is arriv'd safe, and deliver'd three Books you gave him, as directed.

On the 2d of *May*, *Dillon* himself writes to *James Baker* (which will be shewn to be another of *Kelly's* Names) and says, 'I saw your Acquaintance *Crow*, two Days ago, who deliver'd me a Present from my Cousin *Jones*. And on the same Day, *James Talbot* writes to *Kelly*, 'That Mr. *Gordon* gave him the Pacquet at *Boulogne*, which he deliver'd safe on Monday last as directed; he adds, the Person receiv'd me very obligingly, and was much more open to me than I expected. Then, and since, he let me know he does not despair of doing his Business. On the 7th of *May*, *Kelly* writes to

to *Dillon*, 'That *Illington* was glad to hear he had receiv'd his Letters by *Crow*, and wish'd his next might be more to *Dillon*'s Satisfaction.' From which Passages, it appears at one View, that the *Bishop*'s Letters were sent by *Kelly* to *Bologna*, by the Post; and thence conveyed to *Dillon* at *Paris*, by *Talbot*, *Kelly*'s intimate Friend.

On the 24th of *April*, *Dillon*'s Secretary writes to *Kelly* a long Account of one *Xoland* (*Nicholas Wogan*) who was to command one of the Ships that was to be hir'd of some *Swedish* Merchants at *Cadix*.

This agrees with Mr. *Craufurd*'s Letter of the 25th of *July*, N. S. 1722, in which he says, that *Nicholas Wogan* was to have the Command of one of the Ships under *Morgan*, one of which having been lately taken at *Genoa*, the Commander writ over hither, that she was hir'd of some *Swedish* Merchants at *Cadix*, with other Circumstances which agree entirely with this Letter to *Kelly*, and shew for what Use those *Swedish* Ships were hir'd. In the same Letter, *Dillon*'s Secretary takes Notice, how kindly *Freeman* (the Pretender) had spoken of *Kelly* in his last. On the 30th of *April* *Kelly* answers this Letter, but calls *Nicholas Wogan* by the Name of *Moore*, and says, *I wish his Chief may succeed in his Journey*; which being compar'd with the Accounts sent about that Time from Mr. *Davenant* at *Rome*, that the Pretender was preparing to embark, makes it more than probable, that he is the Chief, to whom *Kelly* wishes Success.

*Kelly* then gives an Account of a very important Conversation he had with one *Hore*, who is probably Sir *Harry Goring*, by *Hore* being mention'd as ill of the Gout in *France*, on the 14th of *September*, and *Kelly* takes Notice in his Pocket-Book that Sir *H. G.* went to *F.* the 23d of *August*, which was the Day before the *Bishop* was taken up. In this Letter *Kelly* says, '*Hore* is most impatient to have a more satisfactory Account from your Side, and hopes there may be Room now to expect it, since there was nine remitted by *Repney*, he will soon, as he tells me, send you two more, which with the twelve thousand Arms provided by *Manisfield*'s (*Ormond*'s) Relations, and which are now ready to be sent where-ever design'd, and paid for too, will, he hopes, bring Matters to some Prospect of bearing.' The Committee observe, that this Impatience of *Hore* falls in, in Point of Time, with the Account Lord *Orrery* gave *Lager*, that Lord *North* and *Grey*, Sir *Harry Goring*, Lord

*Strafford*, and others, were going to do a rash Thing in Favour of the Pretender. That it likewise agrees with the Letter to *Dodsworth*, mention'd in the former Part of the Report; where it is said, 'That the Hopes given by G. to expect a great Sum, and by N. that he had rais'd twenty thousand Pounds, induc'd *Ormond* to supply *Morgan*, and to make other necessary Provisions.' Part of which Provisions appear to have been the twelve thousand Arms mention'd in *Ormond's* Letter of the 27th of April, in Mr. *Stanhope's* the 8th of June, and again in this Letter of *Kelly's*.

*Kelly* adds, 'That he hears *Ormond* continues still up on the old String, that he can get no Officers, and says, 'I wish the sending over *Hore's*, &c. Commissions may not do more Hurt than Good, for that Affair is already become no Secret, and may pique some Friends, as well as put Ill-wishers on their Guard.' This Passage shews that the Scheme for an Insurrection was at that Time in such Forwardness, that Commissions were actually sent over; and confirms the Account of the late Duke of *Ormond's* being expected with Officers and Arms to support it.

On the 1st of May, O. S. *Dillon's* Secretary writes to *Kelly*, 'That he believes they have a sufficient Quantity of Barrels bespoke, for the Wine they intend to buy; and that he hopes *Clynton* and Company have sent *Malcom* half Money, which *Hore* said he had to pay for the Barrels which *Jacobs* has at his Disposal.' It has already been shewn that *Malcom* means the Pretender, and as *Clynton's* Money, which was before to be divided between *Ormond* and *Jackson*, is now to be sent Half of it to *Malcom*; this is a farther Confirmation that *Jackson* means the Pretender; and agrees with the Intelligence from France, of Sums sent about this Time to *Ormond* and the Pretender. In a Letter to *Kelly*, of the 2d of May, was enclos'd one from *Dillon* to *Jemison*, who appears to be some intimate Friend of *John Plunket's*, and was present in France, when the Cyphers were settled between *Dillon* and *Kelly*, but his real Name is undiscover'd. In this Letter *Dillon* acquaints *Jemison*, 'That Mrs. *Freeman* intends to bring her Cause to a Tryal as soon as possible, and that he believes Mr. *Abel's* Departure will be no Detriment to her Pretensions.' This Passage compar'd with other Letters, shews that by *Freeman* is meant the Pretender, and by *Abel*, his Majesty, and confirms the Design of an Insurrection

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at the Beginning of May. *Dillon* then desires *Jemison*, 'To assure his Cousin *Rogers* (*John Plunket*) of his best 'Respects, and how much he depends on her friendly 'and kind Offices in his Family-Concerns, which have 'great Need of so good Assistance.' *Plunket* being examin'd by the Committee in Relation to this Letter, deny'd his knowing any such Person.

On the 7th of May, *Kelly* writes to *Dillon*, acknowledging the Receipt of the Letter for *Jemison*, mentions a long Discourse he had with one whom he calls Mr. *Fox*, who resented his being put out of the Pretender's Service by *Dillon*; but *Kelly* endeavour'd to convince him, that *Dillon* had no Hand in it, and labour'd to regain him. Who *Fox* is, does not appear to the Committee.

*Kelly* then takes Notice, 'That the Pretender's Favours to *Hore*, &c. had given great Offence, and that 'Rogers (*Plunket*) hearing of the Freedom which *Hore*, 'and some of his Partners took with him, is much oblig'd at it, and had order'd *Jemison* to tell *Dillon* so.' The Committee observe, from this Passage, that *Plunket* is treated as one whom it was thought of Consequence not to disoblige, and that *Kelly* was appriz'd of his Intimacy with *Dillon*.

*Kelly* then gives an Account of his having call'd on Mrs. *Medley's* (the Dutches of *Ormond's*) Chaplain. The Letter which desir'd him so to do, was directed to *James Baker* and this, in which he says he has call'd upon the Chaplain, is sign'd J. J. which shews that *James Baker* is the same with J. J. which are the initial Letters of *James Johnson*. On the 10th of May, *Kelly* writes to *Dillon's* Secretary an Account of the Discoveries made by the Government, and the Encampment of the King's Forces; but the Committee observe his Assurances of Success were so strong, that in the same Letter he says, 'The King would go abroad next Month, and if you can 'then compass Barrels enough, the sooner the Wine comes, 'I believe, the better.

On the 19th of May, he was taken into Custody; and it appears to the Committee, by the Deposition of one of the Messengers who seiz'd him, that when he was seiz'd, he offer'd to draw his Sword, but was prevented. That the other Messenger being call'd out of the Room to rescue one of their Companions, who was in Danger of being murder'd in the Street; *Kelly* call'd to the People of the House to lock the Door, and seizing

his Sword, which had been laid by in the Window, drew it, and made a Pass at the Messenger, who verily believes he did it with an Intention to murder him; that he afterwards made a second Pass, and swore if he came in again he would stab him; and said, that if the Secretary of State who sign'd the Warrant had been there, he would have done the same. That the Messenger going out to call for Help, and returning within a Minute, was told, that *Kelly* had in the mean time burnt one of the Papers seiz'd upon him. The Committee think it unnecessary to make any Observation on a Behaviour, which implies his having so strong a Sense of his own Guilt, that he chose rather to stand all the Consequences of resisting and assaulting his Majesty's Messenger in the Execution of his Office, than to let his Papers fall into the Hands of the Government, fearing (as may justly be concluded) that such a Discovery might prove fatal to himself as well as others. But the Committee find, that however careful he was to destroy all his Papers, yet one was seiz'd upon him and preserv'd, which is of itself sufficient to prove him concern'd in the the treasonable Correspondence above set forth.

It was a List of Directions in the following Words :

To Anthony Saunders, Esq; or Mr. Joshua Vernon at Will's Coffee-House, Covent-Garden, London.

To Mr. James Baker, or Arthur Stephens, Esq; at Burton's Coffee-House in King-Street, near St. James's, London.

By the three first of these Names, most of the Letters to him abovemention'd, came directed; and a Person having been employ'd to watch at *Burton's Coffee-House*, who should take up Letters directed to Mr. James Baker at that House, has depos'd, that on the 14th of May, a Letter so directed being left there by the Postman, *George Kelly* came in and took the same, open'd and read it, and went out of the House with a Letter in his Pocket to Mrs. Barnes's.

It appears to the Committee, that when he was examined before the Lords the 21st of May, 1722, he endeavour'd to account for his receiving Letters by various Names, by saying, That one Mr. Talbot, who was under a Cloud, and who went for France or Spain about a Week before, had desir'd him to call at Coffee-Houses, for Letters directed to the said Talbot, by several Names; and particu-

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larly that the Letter directed to *Baker*, which he own'd he took up, was for the said *Talbot*. Yet the Committee observe, that the said *Talbot* arriv'd at *Boulogne* on the 25th of *April*, and did himself send a Letter from *Paris* to *Kelly* on the 2d of *May*, sign'd *J. T.* directed to *Mr. James Baker* at *Burton's Coffee-house* aforesaid; and Letters continu'd to be sent by that Direction from *Paris*, 'till the Time that *Kelly* was taken into Custody, tho' *Talbot* was all that Time in *France*.

*Kelly* being examin'd by the Committee in Relation to these Letters, persisted in the same Account, that they were for *Talbot*, and that the Occasion of *Talbot's* going abroad, was, that *Talbot* had receiv'd an Account of *General Crofton's* being dead, and of his having left him what he had, which Particular the Committee observe, agrees in Part with *Neynoe's* Account, that *Kelly* had shewn him a Letter at *Burton's Coffee-House*, from *Dillon's* Agent or Secretary, in which it was said, that the Death of *General Crofton* would be of great Loss to *Mansfield*, which Name *Kelly* explain'd to him to mean the late Duke of *Ormond*. *Kelly* farther own'd to the Committee, that he went to *France* the Beginning of the Winter, 1721, and again the Spring following, on Account of Transactions he had in the Stocks there; that he was desir'd by a Brother of the Lord *Dillon's* to carry over to *General Dillon* an Act of Parliament relating to the Estate of that Family, but that this was the only Paper he carry'd; that he saw *Christopher Glascock*, who is a Captain in *Dillon's* Regiment, and knew *Sir John D'O'bryan*, who is *Dillon's* Secretary, and had likewise seen *Colin Campbell* of *Glenderoule* at Coffee-Houses, but had never spoke to the latter. Yet the Committee observe, that as in his Letters he often sends Services to *Sir John* and *Christy*, he does also to *Glen* and *Collins*, which last Name is explain'd *Glenderoule*, in his own Cypher taken among *Dennis Kelly's* Papers. And when he was examin'd before the Lords, he own'd his having receiv'd Letters from one *Glasgow* at *Paris*, which Name in *Plunket's* Cypher, is express'd by the fictitious Name of *Howell*, and has been shewn above to mean the same with *Quitwell*, *Querry*, *Bonnaville*, and other Names which belong to *Dillon's* Secretary, and are subscrib'd to several treasonable Letters from *France*.

*Kelly* deny'd to the Committee his being at all known to the late Lord *Marr*, or *Alexander Gordon* of *Boulogne*, tho' he own'd his going by the Name of *Johnson*, by which

which Name the Letter to *Gordon* was sign'd, and the Answer from *Gordon* directed; and the Letter from *Mary* was directed to *Hatfield*, which Name has been shewn to mean the same Person as *James Johnson*, and has been prov'd by other Circumstances, to belong to *Kelly*.

He own'd his writing to a broken Banker at *Paris*, by a fictitious Name in Relation to Stocks, but said that he had forgot the Name, and that he never receiv'd a Letter in his Life sign'd by a fictitious Name. But the Committee had Reason to believe from the whole Tenour of his Behaviour at his Examination, that he grossly prevaricated with them; for at his first coming in, before he would make any Answer, he very formally insisted that nothing he should then say should be made Use of against his own Life, nor as Evidence against any other Person; and upon these Conditions he promis'd to answer directly to all Questions that should be ask'd him. The Committee seeing some Reason from the Manner of his insisting upon these Conditions, to believe that he was dispos'd to act ingenuously with them, order'd him to withdraw, that they might consider amongst themselves, how far it was in their Power or proper for them to agree to Conditions, which would have made his Examination of no Effect; and upon his being call'd in again, and receiving such Answer as the Committee thought it in their Power to give, he deny'd his knowing any thing at all of the Conspiracy. This the Committee apprehend to be altogether inconsistent with the Conditions he insisted on, which manifestly imply'd, that a Confession of all he knew, might endanger his own Life, as well as affect other Persons; but in the Course of his Examination he own'd to them, that the Promise they had given him, was not satisfactory, tho', as he pretended, he could not have answer'd their Questions in any other Manner, if their Promise had come up to the Conditions he insisted on.

Moreover, the Committee observe, that *Kelly* was admitted to Bail from his first Confinement about the 7th of *June* last, and they conceive it to be a great Aggravation of this Guilt, that he immediately took Advantage of this Enlargement to resume the same treasonable Correspondences, and to send triumphant Accounts to *France*, of his having baffled the Government by the harden'd Obstinacy of his Behaviour, thereby improving, as far as in him lay, the Liberty granted him by the Fa-

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vour and Indulgence of the Laws, to the Subversion of our happy Constitution. For on the 11th of June, but a very few Days after his being out on Bail, he sent a long Letter to *Gerrard* (Sir John D'Obryan) in which, the better to disguise the Matter, he gives an Account of his Cousin's late Misfortune, as from a third Person; but in a subsequent Letter to *Dillon* the eighteenth of June, he owns the writing this Letter himself.

In this Letter to *Gerrard* he says, 'That he was bail'd the Thursday before, and that the Judges were never known so severe in any Case of the like Kind, that most of the Questions ask'd him at his Examination, were about a little Dog which he got from a Surgeon when he was last in France; that they mention'd no Persons to him but General *Dillon*, and one Mr *Morgan*; that to the first, he owns he is a little known, having carry'd over an Act of Parliament to him that concern'd his Family, but that the latter he never saw; that Lord *Cartaret* had a List of five or six Cant Names, as he call'd them, which were *Illington*, *Jones*, *Cane*, *Howel*, *Quitwool*, and *Hacket*, and what he never heard of before; that however they would persuade him he knew some Persons that were meant by those Names, which he vows he never did, and whosoever *Illington* is, he was the Person principally struck at. That he is not at all satisfy'd with the Behaviour of his Friends; that *Gerrard's* old Friend *Rig* indeed offer'd all that could be expected of the poor Man, but others, in whose Power it was to do more, shew'd no Concern at all for his Misfortune; that he lay ten Days in the closest Confinement, without so much as a Message from any of those he depended most upon; that it is well he had no Secrets to reveal, since such Usage might provoke a passionate Man, and that the World is pretty well convinc'd that he had not, since no Persons seem'd to be the least apprehensive that he could do them any Mischief. That this shews what the Friendship of some People is; but whilst there is one righteous Person, we must, for his Sake, overlook greater Misfortunes. That he is very well, and under no great Concern for any thing as to himself, but the Expence, having more than his own to answer. He concludes, with desiring *Gerrard* to direct under Cover to Mr. *Andrews* at the Dog and Duck in St. James's Street.' The Committee find, that after this Time, several Letters did come from France, directed to Mr. *Andrews* at the Dog and

and Duck, and that the Master of that House having been examin'd, depos'd on Oath, that one *Andrews* order'd him to take in Letters that should come by the foreign Post so directed, and that three of those Letters were directed to the Dog and Duck in *King-street*, by Mistake, but were afterwards brought to his House in *St. James's Street*, and taken up by *Andrews*, who happen'd to be there when they came in. The said *Andrews* depos'd on Oath, that Mr. *Johnson* alias *Kelly*, desir'd him to take in some Letters directed to him, *Andrews*, at the Dog and Duck Ale-House in *St. James's Street*; that he receiv'd in the whole, four or five in the Months of *July*, *August*, and *September* last, to the best of his Remembrance, that they appear'd by the Charge of Postage to be foreign Letters, and that he deliver'd them unopen'd to the said *Johnson* alias *Kelly*, who paid him the Postage; that he, *Andrews*, knew nothing of the Contents, nor ever return'd any Answer to them.

On the 18th of *June*, *Kelly* writes to *Crow* (*James Talbot*) giving him an Account of his late Misfortune, and the Reasons of his Silence, and mentioning his Design of going over into *France*, as soon as his Appearance in *Westminster-Hall*, should be over. 'He then sends his Service to all Friends, particularly to Sir *John* and *Christy* (Sir *John D'Obryan* and *Christopher Glascock*) and desires *Talbot* to tell the latter he must find out some other Address for him to write by, since he has good Reasons for not using the former, which have prevented him from writing to him these ten Days past, and that if it were to a *French* Person, it would be so much the better.' Soon after, a *French* Direction to *Monsieur Mafonneuve* was sent over to *Kelly* by *Christopher Glascock*, which *Kelly* made Use of for some Time, and the original Letter in *Kelly's* Hand, stopp'd at the Post-Office, is so directed. The Reasons which *Kelly* says he had, not to make Use of the old Directions, appear evidently to have been, that he was question'd before the Lords on the Names of *Howel* and *Quitwel*, which were the Names made Use of for *Glascock*. He concludes his Letter to *Crow*, with desiring him to direct to him by the Name of *Wilkins* at *Wills Coffee-House*; and not long after, a Letter came sign'd *J. T.* and so directed; which was stopp'd, and is in the same Hand with the Letter sign'd *J. Talbot*, seiz'd at *Mrs. Barnard's*, which confirms *Talbot* to be *Crow*.

In this Letter to *Crow*, was enclos'd one from *Kelly* to *Dillon* by the Name of *Dixwell*; wherein 'He desires to be excus'd from meddling in Business for some Time; but says, it does not proceed from any Change of Opinion, or Resentment of the little Concern that has been shewn him, but from a Conviction, that without changing both their Method and their People, it will be impossible to make any thing of it. *Kelly* adds, 'Your Correspondents at *Will's* and *Burton's* are gone, and desire you may write no more that Way, and when you do me that Favour, please to address under Cover to Mr. *David Wilkins* at *Will's* Coffee-House, *Covent-Garden*, and not to *Andrews*, as I desir'd.' Which Passage confirms the List of Directions to *Will's* and *Burton's*, found in *Kelly's* Pocket; and shews, that the Letters to *Wilkins*, as well as *Andrews*, were for *Kelly*, though he deny'd the having ever receiv'd any Letter under a fictitious Name.

On the 28th of *June*, *James Talbot* writes to *Kelly*, 'Congratulating him on his Enlargement and Behaviour, and expressing his Surprise, that he should at such a juncture have Reason to complain of Want of Friends.' On the same Day, *Glascock* writes to *Iretton*, under Cover to *Andrews*; and as *Andrews* deliver'd these Letters unopen'd to *Kelly*, this shews that *Iretton* is another Name for *Kelly*, of which the Matter of the Letters furnishes abundant Proof. In this Letter *Glascock* takes Notice that *Kelly's* Letter to *Chitwood* came safe. This refers to *Kelly's* Letter of the 18th to *Dixwell*, and shews *Chitwood* to be another Name for *Dillon*. 'That what he had recommended in Relation to the new Book of Accounts would be observ'd, and that *Forrester* had the same Advice given to him and *Ormond*.' Who *Forrester* is, does not appear, but as he is mention'd here with the late Duke of *Ormond*, he is probably the Person who wrote the Letters to *Dunville* and *Dodsworth* above mention'd. *Glascock* then tells him, 'That *Ormond* had express'd much Concern for what had befallen *Kelly*. He afterwards desires the Particulars of his Case, and to know what is wanting for paying off the Doctor's and Apothecary's Bills, acknowledges the Receipt of a Letter from *Rogers*, and enquires after *Jemison*.'

On the 28th of *June*, *Kelly* writes to *Talbot* 'Of the Neglect that had been shewn him, and the Reasons that he had to decline any farther Traffick with the Merchants

‘chance here; he says, if *Talbot* perceives no Likelihood of a sudden Change for the better, he must retire to some cheap Part of the Country, if *Dillon* allows of it; expresses his great Obligations to *Dillon*, and his Readiness to execute any private Commands of his.’ and adds, ‘If I were in a Condition to bear the Weight of publick Business, *Dillon* should never be at the Trouble to employ another; but that he is heartily sorry *Dillon* himself has done it so long, for ungrateful People on this Side; says, he never intended to trouble his Friends on this Side on his own private Account, but publick ones of this Nature are what he thinks they ought to take Care of, since they are best able to do it, and expect the best Returns for it.’ The Committee observe from these Passages, that though *Kelly* would have it believ’d he only corresponded with Persons in *France* on private Affairs, relating to the Stocks, yet he here owns in Effect, that he had been trusted with Affairs of a publick Nature, and that those Transactions having brought on him the Displeasure of the Government, it was reasonable for him to hope for Support from those in *England*, who expected the best Returns from his and *Dillon*’s joint Labours. The Committee farther observe, that this Letter was directed to *Grove*, and yet in it was inclos’d one from *Ireland*, relating to Family Affairs, directed to *James Talbot*, Esq;

On the 4th of July, *Glascock* writes to *Kelly*, ‘That *Dillon* intended to have sent him a Letter of Credit by this Post drawn on Mr. *Harrold*, but kept it back ’till he heard from him, for fear by Removal into the Country, or by any other Accident, it should be lost. On the 11th of July, *Glascock* repeats the same, and his Suspicion that the Letters to *Andrews* had miscarry’d. Then acquaints *Kelly* with kind Expressions that he had seen from Dr. *Freeman* and Mrs. *Malcolm* (the Pretender and his Spouse) in Relation to *Hawksby*’s first Operation in his late violent Distemper. The Committee observe from what follows in this Letter, that, though in *Hunter*’s Cypher, *Hawksby* stands for King George, yet in the Pretender’s Cypher, it stands for George, without any Addition, and appears for that Reason to be made Use of to denote George *Kelly* in this Place. The Pretender’s Words mention’d in this Letter, are as follow:

*Hawksby*’s



'Hawksby's steady and resolute Behaviour in the first Operation answers the good Opinion I have long had of him; I am fully perswaded that all the Surgeons will do hereafter, shall not be able to alter his Temper, and I hope he will come off with Patience and a short Confinement, by which his Health will become more perfect and satisfactory to his Friends.' *Glascock* then adds, 'Mrs. *Malcolm* (the Pretender's Spouse) in her short Way of Expression, says, *I am truly glad that honest Hawksby is recover'd, for I take him to be a very valuable Man.*' Then he says, 'I know these Compliments will be comfortable to a sick Person, from his Friends, for which Reason I trouble you with them, as a Proof of my Attention towards one I wish so well.' These last Words shew, that this Comfort was intended for *Kelly*, to support him under his Trouble, which is disguis'd under the Notion of Sickness, and the Committee think it unnecessary for them to make any Observation on a Passage, which shews so plainly for whose Sake it was understood he had brought this Trouble on himself. *Glascock* next tells him, 'That as he is upon regulating his new Book of Accounts, he should be glad to know whether *Kelly* and *Jemison* had those by them, they and *Glascock* rectify'd together.' Which shews that *Kelly's* Journeys into France were not wholly on private Affairs, and confirms *Neymes's* Account of his having seen Cyphers in *Kelly's* Hands, and is again confirm'd by the Cypher found among *Dennis Kelly's* Papers, which is in *George Kelly's* Hand-writing. *Glascock* then sends him the French Direction he had desir'd.

On the 17th of July, *Glascock* writes again to *Kelly*, to let him know, why the Bill was not sent, and so desire a sure Address. He likewise cautions *Kelly* not to draw any more on *Digby*, but on Messieurs *Chitwood* and *Dupleffis*, at Mr. *Hues Banker rue de la Monnoye*. The Committee observe, that this was about the Time that Mr. *Crawford* made the Discovery above related about the Name of *Digby*, and that for some Time after, *Kelly* directs his Letters for *Dillon*, to *Dupleffis*, 'till a new Cypher, which he, *Kelly*, sent over afterwards, came to be made Use of.

On the 19th of July, *Kelly* writes to *Glascock*, that Mr. *Andrews* receiv'd the several Letters from *Glascock* all together; which was occasion'd by a Mistake in directing them to *King-street*, instead of *St. James's*; which agrees with *Andrews's* Deposition abovemention'd. He

then returns Thanks for the Letter of Credit intended him, and says, 'It will come safe either to Mr. *Wilkins* at *Will's* Coffee-House, or to Mr. *Andrews* at the Dog and Duck.' This compar'd with *Andrews's* Deposition, shews that the Bill was for *Kelly* himself, which Observation the Committee think it proper to make, because when he was examin'd before them in Relation to the Letters directed to *Andrews*, though nothing was said to him about the said Bill, he immediately endeavour'd to explain away that Matter by the following Prevarication: He said, he had been desir'd by one Mrs. *Oxburgh* in the City, Daughter to him who was executed, to receive some Letters for her from abroad, and that he did not know, but he might employ one *Andrews*, or some other Friend, to take up such Letters. That he had likewise receiv'd some Money on a Bill for the said Mrs. *Oxburgh*, of a little Man a Banker in *Lothbury*, or somewhere behind the *Exchange*, and that he had indors'd the Bill with his own Hand. The Committee observe, that this last Circumstance makes it probable the Bill was for himself, since his Endorsement on a foreign Bill, (which is not usually made payable to the Bearer) would not have entitl'd him to have receiv'd the Money, nor have been a sufficient Discharge, except the Bill had been made payable to him. They likewise observe, that Mr. *Martin Harold*, on whom the Bill was drawn, whom *Kelly* avoided to name, does live behind the *Exchange*, tho' not in *Lothbury*; and in *Glascock's* Letter of the 24th of *July*, *Kelly* is particularly directed to indorse the Bill on *Harold* with his own Name. (It is evident from these Circumstances, that *Kelly* receiv'd the said Money for his own Use, as a Reward for his Sufferings, and an Encouragement to persist in his Obstinacy.

On the 23d of *July*, *Kelly* writes to *Falbot*, 'That this Bill; and the Hopes of Success in another Particular, when the Term is over, makes him a little easy. That as to what they had so often talk'd about, he did not know what to say to it, and that *Nicholas Wogan's* Return gave him the last Hopes of it, but that he heard the *Beautiful Squire* was certainly determin'd on something, but when, and in what Manner, is what he knows nothing of.' Who is meant by the *Beautiful Squire*, the Committee cannot take upon them to determine; but they observe, this Letter was writ the Day after *Lager's* Return by *Eppling* from *Norfolk*, at which Time he told *Falbot*, 'That the Pretender's Friends would

would run down the Ministry and King *George* in a little Time, and bring the Law-Suit to bear on their own Bottom, independent of the Regent, or any Body else; as is related in *Plunket's* Letter of the same Date with this of *Kelly's*. On the 2d of *August*, *Kelly* writes to *Glascock*, 'That he had receiv'd the Bill. That his Letter of Licence is not out 'till the End of *October*, and that his Creditors threaten then to shew him no Mercy: In the mean Time he must hope the best, and wish that some good Turn of Fortune may enable him to do them Justice.' He adds, that he expected to have sent the State of their Accounts before now, but that the Gentleman who was to carry them, met with an Accident the other Night which prevented him, therefore he cannot do it 'till he recovers, or some other Opportunity offers.' Then sends a long Account of *Dennis Kelly's* being taken up. On the 6th of *August*, he sends the same Account to *Dillon*, and mentions the great Terror the Guards are under from Informers; which Intelligence the Committee observe, was thought considerable enough to make an Article in the Pretender's late Declaration. On the same Day he sends *Glascock* an Account of *Sample's*, *Cotton's*, and one *Campbell's* being taken up; 'That there were Reports of one Sir *Harry Goring's* being taken, and of Forces being sent for the Lord *North* and *Grey*, Lord *Strafford*, and other Persons of Quality; but that he finds that there is no Truth in them, and is told that the two last are come to Town. He then desires to know *Dillon's* private Thoughts from whence the ill Report of his Cousin's Circumstances comes, which has occasion'd this Severity from his Creditors; and says, he hopes soon to send the State of their Accounts which has hitherto been delay'd for Want of a proper Hand.' On the 9th of *August* *Kelly* writes to *Glascock*, 'That *Den* is come to Town, and behaves like a Friend; but that *Rep* is still in the Country, and so is *Ho*; and that the latter had earnestly desir'd *Kelly* to go to him for a few Days, which he had Hopes of doing, but intended to make but a short Stay.' The Committee see Reason to believe, that by *Ho*, is meant *Hore*; and they find an Entry in to *Kelly's* Pocket-Book of his having been at Mrs. *H's*, and another Entry in these Words; To enquire for Mr. at Mr. William Bayling's at Horn-Dean; which is a House much frequented by Sir *Harry Goring*, as appears by a Deposition annex'd to this Report. Who

are meant by *Den* and *Rep*, the Committee will not take upon them to determine, though they think this Letter compar'd with that writ three Days before, may lead to a Discovery of the Persons meant. On the 13th of *August*, *Kelly* writes again to *Glascock*, 'That he intends to visit *H.* who being at a pretty good Distance in the Country, he cannot return under four or five Days.' Which agrees with the Circumstance of his going down as far as *Horn-Dean* near *Petersfield*. He afterwards adds a very remarkable Paragraph in these Words: 'What would you advise poor *Trotter* to do, he is ready to take a Voyage any where, and is you know an honest and fit Person for that Business; he has wrote very earnestly to me for my Advice, which I told him I could not give 'till I heard from you.' The Committee observe, that in the Cypher found among *Dennis Kelly's* Papers, in *George Kelly's* own Hand-Writing, *Trotter* is one of the fictitious Names set over-against the Name of *Carte*, and that on the Day this Letter was writ, his Majesty had issu'd his Royal Proclamation for apprehending the said *Carte*, against whom it is there set forth a Warrant had been issu'd by one of the Secretaries of State for treasonable Practices, and that he had absconded and fled from Justice. Yet it appears from this Letter, that *George Kelly*, far from discovering where the said *Carte* was conceal'd, was desirous to promote his Escape, by getting him invited to undertake a Voyage into foreign Parts; and that notwithstanding the treasonable Practices alledg'd against him, he here gives him the Testimonial of an honest Man, owns his having had Communication with him by Letter, after the Time of his Escape, solicited *Glascock* in his Favour, and undertakes to aid and assist the said *Carte* with his Advice, as soon as he should have an Answer from *Glascock*.

On the 13th of *August*, *Glascock* writes again to *Kelly*, in Relation to the Bill on *Harold*, and mentions his expecting the Gentleman soon that was to clear Accounts. He afterwards tells *Kelly*, 'That Mrs. *Musgrave* had receiv'd Advice from her Father, that she is not to expect a Farthing of the Allowance due to her for the Time past, or to come, which *Allen* had procur'd a Seizure of, on Account of her Husband's Debts and Mismanagement.' The Committee from comparing this Letter with others, where *Musgrave* is mention'd, and from observing the Date, see Reason to believe, that this Passage relates to the stopping a Pension, which the Committee

mittee are inform'd, by his Majesty's singular Bounty and Indulgence, and upon Application from the late Lord Marr, and Promise of Services, was allow'd to him; and they cannot reflect without Indignation and Astonishment on the black ingratitude of Persons, who, while they were in a great Measure subsisted by his Majesty's unexampled Liberality, were labouring, by the most wicked and unjustifiable Practices, to dispossess him of his Crown, and to destroy his sacred Life.

On the 17th of *August*, *Glascock* writes again to *Kelly*, and among other Things says, 'He is contriving to get at *Barker* for a Relief in Favour of *Farmer's* (the Pretender's) Children; in Case their Step-Father should pretend to deprive them of their Due.' It appears by another Letter, *Barker* means some considerable Person in *France*; but what this Passage particularly relates to, the Committee cannot with Certainty determine. However, they thought it their Duty to lay this and other obscure Passages before the House, that it may be seen how much it is in the Power of Persons now in Custody, to discover; and of what Importance it is to the Safety of his Majesty's Government, that such Discovery should be requir'd at their Hands.

On the 20th of *August*, three Days before the Bishop of *Rochester* was taken into Custody, *Kelly* writes to *Glascock* (the Original of which Letter is stopp'd, and sworn to be his Hand-Writing;) and says, 'Your Cousins *Ireton* and *Wilkins* are both gone into the Country, and earnestly beg the Favour of you not to write to them any more, for which you will soon know the Reasons.' On the 30th of *August*, he writes to *Dillon*, and after giving a very long and particular Account of all the Circumstances of the Bishop's being taken up, examined, and committed to the Tower, he says, 'You are by this, satisfy'd of the Reasons of my late Silence.' In the same Letter of the 20th of *August*, the Committee observe another very remarkable Circumstance; *Kelly* says, that he is going into the Country that Day, and he had said before that he was going to Mr. *Hore's*. In his Pocket-Book Notice is taken, that Sir H. G. went to F. on the 23d. On the 14th of *September*, *Glascock* writes him Word, 'That Mrs. *Hore* was under a Fit of her old Sickness at *Rouen*; but that it was not safe, for many good Reasons, to have her transported to *Paris*, there being Abundance of Quacks going about, which cause much

'much Mischief.' From this Time forwards *Kelly* makes Use of a new Cypher of Names, and new Directions to his Letters.

On the 17th, *Kelly* writes again, and says, 'That since Mr. *G. Sampson* went, he has not heard a Syllable from his Correspondents in *France*, which has been a great Detriment to several of their Friends.' On the 9th of *October*, *Glascock* sends him Word, 'That all the Letters he wrote by the Post, came safe; but that he had not yet seen the Person, who was to deliver him the particular Instructions and Address he was to make Use of, that Person being still detain'd in the Country; but that he had taken Measures to get from him the Memorandum *Kelly* had given him.' On the 17th of *October*, *Glascock* sends *Kelly* Word, 'That the Book of Accounts sent by *G. Saunders* is at last come to Hand, tho' the Person that brought it, is still in the Country; so that they are now in a Condition to settle Accounts with *Kelly*.' And from this Time forward, the Correspondents in *France* make Use of a new Cypher of Names, and new Directions to their Letters. From these Circumstances, the Committee see Reason to believe, that *Kelly* sent over a new Cypher, and a new List of Directions to *France*, by Sir *Harry Goring*; in which they are the more confirm'd, by observing that this new Cypher appears fram'd in such a Manner, that the initial Letters of the real Names are always prefix'd to the fictitious ones, which last are frequently varied, but the initial Letter never. This will be more clearly understood by instancing in one of the Names. The Person who carry'd over the Cypher and List of Directions from *Kelly*, is in some Letters call'd *G. Sampson*; in others, *G. Stephenfon*, *G. Saunders*, and *G. Sandford*; and appears to be the same with Mrs. *Hore*, who was observ'd before to be probably Sir *Harry Goring*. The Committee farther observe, that all the Names made Use of in the new Directions, were enter'd by *Kelly* in the Pocket-Book that was taken upon him when he was last seiz'd, with such Marks and Observations before them, as need no great Explanation. Over-against the Names of *Bonnville* and *Disode*, is writ the Abbreviation *Glas*, and a Letter sign'd *Disode*, having been stopp'd at the Post-Office, appears to be in the same Hand, as those sign'd *Howell*, *Quitwell*, *Querry*, &c. which were shewn to have been writ by *Glascock*. Over-against *Brisac*, and *Du Fay*, is writ *Star*; and the Committee find that Letters came for *Kelly* directed

tested by these Names to *Sturgis's Coffee-House*. Over-  
against *Contade* and *Lanelle*, is writ, *Slau*; and the Com-  
mittee find, that Letters thus directed were left for him  
at *Slaughter's Coffee-House*.

The first of *Kelly's* Letters, writ in this new Cypher,  
is of the 10th of September, directed to *Bonnabille (Glas-*  
*rock)* under Cover to *Huss*, Banker at *Paris*. In this, he  
says, I hope you have seen *G. Stephenson* before now, and  
mentions a Trunk that he is soon to send to him; which  
Circumstance shews he is the same Person meant by *G.*  
*Sandford* in other Letters. He then takes Notice of a  
young Fellow that he had recommended (which was ob-  
serv'd before to be probably *Neynoe*) and earnestly  
begs the Goods he carries with him may be dispos'd of  
at any Rate; and, if possible, without *Mr. L. Crawford's*  
or his Partners being concern'd in the Bargain. The  
Committee observe from *Neynoe's* Informations, that  
he was to be recommended by *Kelly* to Lord *Lansdown's*  
Family. They likewise observe from several other  
Letters, that *Dillon*, upon the Caution given him by  
*Skinner* from the Bishop of *Rochester*, was grown very jea-  
lous of his former Friends at *Paris*; from which Cir-  
cumstances, they think it probable, that by *L. Crawford*,  
is meant Lord *Lansdown*. He then adds, 'Your Coun-  
' sin *C. Saunders* is well, and with a Friend in the Coun-  
' try, who will take particular Care of her, till a better  
' Service can be got for her.' This compar'd with what  
he says in his Letter of the 13th of August, of *Trotter's*  
having writ to him for Advice, and wanting to be em-  
ploy'd in a Voyage, or other Business, makes it proba-  
ble, that by *C. Saunders*, is meant *Carte*. He then adds,  
' Your Relations, *N. Crane* and *S. Farrel*, have made se-' veral Bargains for ready Money in the third Subscrip-  
' tion; and as the Time allow'd by Parliament for Non-  
' Prosecution will be out as soon as it sits, their Credi-  
' tors will then fall upon them, and all their Friends,  
' and put them in Jail, except you can send them some  
' Relief; and though your Actions are at a very low Price,  
' However, I believe, they would be extremely pleas'd  
' to have them sold at any Rate, to enable them to paci-  
' fie their Creditors on this Side, and to put them in a  
' State of Safety.' It has been observ'd, that the Conspi-  
racy is often treated of under the Cant of *Stocks*,  
and this third Subscription may mean the third Pe-  
riod of Time fix'd by the Conspirators, and the Re-  
lief desir'd, some Assistance from abroad. That this  
Passage cannot be understood in the literal Sense, is

evident from its being said, that the Time of Non-Prosecution expires at the Sitting of the Parliament; but the Meaning of this Paragraph is fully explain'd by another in the same Letter, in which, *Kelly* says, 'There is no Prospect of the State Prisoners getting out 'till next Term, and if the *Habeas Corpus* Act be suspended at the Meeting of the Parliament, they will remain during the Government's Pleasure, and perhaps have Company enough.' Who are meant by *N. Crone*, and *S. Farrell*, is not determin'd. His next Letter to *Glascock*, is of the 27th of September, in which he complains, 'That he has not heard a Syllable from *D. Gainer* (*Dillon* probably) or *G. Roberts* (*Glascock* probably) since Mr. *G. Sampson* (*Goring*) went, which has been no small Detriment to some of their Friends.' He adds, 'The Term being soon at Hand, we shall be much at a Loss, how to manage without their Advice, which *G. Sampson* positively promis'd, to send a speedy Account of. The Situation of Friends stands much as it did, and nothing has happen'd of late in your Family to ease their Losses or mend their Condition.' He then gives a long Account of the Lord *North* and *Grey*'s being seiz'd at *Portsmouth*, and of his being to be brought to Town that Night; and concludes thus: 'I must now plainly tell you, that I am afraid your Cousin *N. Clifton* is in a very bad Way, and a Person (whom he lately employ'd to manage some Things for him, particularly to compound some *S. Sea* Bargains) has not been true to him; for his Creditors have actually put him in Jail, and except you can contrive to send him some Relief from what Effects he put into your *Mississippi* (for I don't find he has any other Prospect) his Confinement will prove fatal to him. You know his Worth, and for Heaven's Sake don't forsake him.

This Letter being mention'd to be writ on the Day Lord *North* and *Grey* was brought up in Custody, the Committee cannot but be led to conjecture, that by *N. Clifton*, is meant the said Lord, and that the Person said to be employ'd by him, and suspected of being false to him, is either *Lynch* or *Layer*; and if this Conjecture be admitted, it is not improbable, that by *N. Crone*, in the former Letter, may be meant the said Lord *North*.

On the 20th of October, *Glascock* writes to *Kelly*, 'That *D. Gainer*, (who in another Part of the Letter, is call'd *D. Gregory*, and is probably *Dillon*) thinks very seriously



riously of the Commissions with which *Kelly* had charged him for his Friends, and does not refuse to employ his whole Credit in that Affair; but that one single Article had consum'd the Bill of Exchange, which *N. Cleaton* sent, and that there is not any other come, that *Dillon* knows of. Here *N. Cleaton* means evidently the same as *N. Clifton* in *Kelly's* Letter, and it appears he had sent a Bill of Exchange to *France*, which was all consum'd in one single Article of Expence. In former Letters, Notice was taken of a Bill of Exchange, sent over by *Repreney*, and of 20000 *l.* rais'd by *N.*

In the same Letter, *Glascock* takes Notice of some Goods sent by *Contade* and *Lunelle* for *Kelly's* Use, which he desires *Kelly* to send for, and to acknowledge the Receipt of them carefully. It appears to the Committee, that these Goods were the Pretender's Declarations, which came inclos'd that Post, or the next, under blank Covers to *Contade* and *Lunelle*, at *Slaughter's* Coffee-House, agreeable to the Memorandum in *Kelly's* Pocket-Book. In another Part of the foregoing Letter, it is said, that *Mr. G. Sampson* has sent over his Project of Accommodation, and waits the Event of it, which it is probable, relates to the same Declaration.

*Kelly* being examin'd by the Committee in Relation to the Names in his Pocket-Book, said, they were Names of Persons, with whom he had transacted Stock-Affairs in *France* several Years ago. He own'd he had seen Letters at *Slaughter's* and *Sturgis's* Coffee-House, directed by some of those Names, but that it might easily happen, that there might be Persons in *England* of the same Names with others in *France*; and that it was his Misfortune, Letters should come directed by those Names. He insisted, that his Pocket-Book, tho' taken upon him, was an old one, that had lain by neglected these three Years. Yet the Committee observe, 1<sup>st</sup>, that the Memorandums in it were of a late Date, and contain'd a particular Account of the Time of his Journeys to and from *France*, and of the Days on which he and *Dennis Kelly*, and the Bishop of *Rocheſter*, were taken into Custody. 2<sup>dly</sup>, That *George Kelly* upon his Examination, refus'd to make the least Discovery that might give Light to any Part of this treasonable Correspondence, tho' he plainly intimated he had it in his Power to do it. 3<sup>dly</sup>, That if in some Particulars, the Committee should have fallen short of the true and genuine Explanation of the Names, or other Facts, which may easily have happen'd

in unfolding such Variety of Matter, so industriously wrapt up in the utmost Obscurity; yet they conceive, it will not lessen the Credit of those Facts in general, relating to him, which are supported by unquestionable Evidence, notwithstanding his denying of them, and prevaricating so grossly with the Committee.

The Committee then proceed to such Particulars, as they collected from the Papers referr'd to them, relating to *Dennis Kelly*, Esq; who appears to them, from several Passages in the intercepted Letters, to have acted in Concert with the other *Kelly*, and behav'd himself with the same Obstinacy on his Examination before them. The Committee see Reason to believe, that the several fictitious Names of *Kirton*, *Killegrew*, *Sandford*, *St. George*, and *Hubberts*, are made Use of in the intercepted Letters to express one and the same Person; and as this Person is frequently spoken of as living at the *Cockpit*, as being himself ill of a Fever and Ague Part of last Summer, as having a Daughter who was troubled with Returns of spitting Blood at particular Times therein mention'd, and as being to set out with his Family for France by *Dieppe*, the latter End of July: These several Circumstances being confirm'd to the Committee by the written Examinations of Mr. *Dennis Kelly's* Servants, to have been true of him, and being in the Opinion of the Committee, applicable to no one else; they see Reason to conclude, that what is affirm'd in the intercepted Correspondence of the Person design'd by the Names abovemention'd, is affirm'd of him. The Committee have likewise been inform'd, that Enquiry having been made at the *British Coffee-House*, who took up Letters directed thither by the Name of *Sandford*? It was found that one Mr. *Kelly*, who frequented that House, took them up. And a Letter from France so directed, having been copy'd at the Post-Office, and then deliver'd out, the Original of the said Letter sign'd *M. Digby*, was found in *Dennis Kelly's* Pocket, when he was taken up, as appears by the Affidavit of the Messenger, who seiz'd him. In this Letter *Digby* sends his Service to his Cousin *Ireton* (*George Kelly*;) and also mentions *Hore* (probably Sir *Harry Goring*.) The Committee observe, that the said Letter was writ in the same Hand, with another sign'd *J. Gerrard*, which was likewise found among *Dennis Kelly's* Papers, and has been observ'd above to be probably the Name made Use of by

Sir John D'Oubry, whom George Kelly declar'd to be Secretary to Dillon.

They farther observe, that both these Letters sign'd Gerrard and Digby, were in the same Hand with others found in his Custody, relating to Dillon's private Affairs, which confirms Digby to be Dillon, and Gerrard to be one, whose Hand Dillon makes Use of for his Dispatches. Another Fragment of a Letter was found among his Papers, mentioning the Names of Iretton and Hore, which is in the same Hand with the Letters to Plunket, sign'd Dixwell and Howell, and is therefore probably the Writing of Christopher Glascock, George Kelly's Correspondent.

Some other Papers were also found in his Custody, mentioning others of the fictitious Names us'd in George Kelly's Letters, as also a long List of Names, with fictitious Names over-against them, and a Cypher of Figures, which appear to be George Kelly's Hand-Writing, and are sworn by the Clerks of the Post-Office, to be the same Hand in which the Letters sign'd Johnson, Hatfield, &c. were writ. This Cypher of Figures is found to be a Supplement to the Cypher, in which the Letters of the late Duke of Orléans, and the Bishop of Rochester were writ; and that the said Cypher last mentioned, is made Use of in one of the intercepted Letters from Dillon to Dennis Kelly. There was also found among his Papers, an exact List of the quartering of his Majesty's Forces a little before the Time of the Elections, and a Scheme for erecting By-Boats between London and Boulogne, which seems referr'd to, in the Letters between George Kelly, and Gordon of Boulogne. There was also taken among his Papers, a Fragment of a very treasonable Letter, sign'd F. M. which the Committee conjecture was from one Francis Macnamara, a Person concerned in the former Rebellion, there being another Letter among his Papers, with the Name at Length, in the same Hand. The Committee have laid together these several Circumstances; that it may appear Dennis Kelly was concern'd in the treasonable Correspondence, which is confirm'd by Mr. Crawford's Letter from Paris 19-30 of May, in which he says, 'There is one Captain Kelly, who frequents the Cocoa-Tree, and Will's Coffee-House, who is much in the Confidence of Dillon, and Lord Mansdown; he was here some Months ago, and is at present very active in England.' The Committee find, that he was abroad for several Months, the latter End

of the Year 1721, and that some of the Letters sent to him by fictitious Names from *France*, were directed to *Will's Coffee-House*, and the *Cocoa-Tree*.

The Matters which they find him principally concern'd in by the intercepted Letters, are, the Remittance of the Bill of Exchange sent over from the Person call'd *Repney*, the Receipt of which is acknowledg'd in several Letters to him; his being present at a Consultation with the Persons call'd *Rep. Ho.* and *Den.* and his being to carry over to *France* their final Answer, together with a new Cypher, List of Directions, and other verbal Instructions, from *George Kelly*, for *Dillon*, *Glascock*, and *Talbot*.

As *George Kelly's* Correspondence was closely connected with that of the Bishop of *Rochester*, *Thomas Carte*, and *Dennis Kelly*; and as he appears to have been privy to *Plunket's*; so the Committee see Reason to believe, that he was not a Stranger to that of *Sample*, who appears to be mention'd in a Letter from *Gerrard* to *Kelly*. *John Sample*, being examin'd before the Secretaries of State, and two of the Committee, own'd, that *Francis*, Son of the Lord *Sempill*, commonly so call'd, had been in *England* that Summer, and return'd to *France*, about three Weeks before his Examination, which was taken on the 4th of *August* last. That during his Stay in *England*, he (*John Sample*) was twice in Company with him, and that two Letters found in his Trunk, were receiv'd by him from the said *Francis Sempill*, before his coming to *England*. In the first of these Letters, dated *June* 2-13, 1722, *Fr. Sempill* tells him, 'That they are daily confirm'd, *Mrs. Hew's* Distemper is but imaginary or counterfeited. By *Mrs. Hew's*, he said, was meant the King, and by his Distemper, the late Disturbances. *Fr. Sempill* then tells him, 'That this has put a Stop to *Mr. Standwell's* Proceedings (*Standwell* he own'd to mean the Pretender) but that this cannot disconcert *Standwell's* Measures, nor even delay any thing above a few Weeks. That perhaps he may soon produce himself to their Cost, but it is not yet full Time to give him (*Sample*) Hopes of that Kind. He adds, 'That they have not yet heard from *Mr. Houlder*, whom *Sample* explain'd to be the late Duke of *Ormond*. This agrees with the Accounts given in the former Parts of the Report, of the Attempts that were to have been made in *England*, about the Beginning of *May*, which were prevented.

vented, tho' not entirely discontinu'd, by the Discoveries made here, and by the Encampment.

Sample being shewn the Copies of several Letters taken at the Post-Office, directed to Mr. Sempill at Paris, and enclosing others, own'd the Writing of them all, and gave Explanations of the Names made Use of in them. One of these Letters is to *Standwell*, whom he own'd to mean the Pretender; and another is mention'd to be for *Glastow's* Master, which is probably General *Dillon*. He likewise own'd his having writ to the late Duke of *Ormond*, and to *Kennedy* his Secretary; and while he was in Custody of the Messenger, he begun to put down in Writing a Confession of his Crimes, which was found in his Room after his Escape. But though some of his Letters appear'd dictated to him by other Persons, the Committee do not find he would discover who those Persons were.

The Committee next proceed to the Substance of the several Papers and Examinations refer'd to them, relating to Mrs. *Spelman*, alias *Yallop*, in doing which, they mention a Person of high Rank and Distinction, *Thomas Duke of Norfolk*, among others concern'd in the treasonable Correspondence convey'd through the Hands of the said Mrs. *Spelman*; who being examin'd on the 19th of *October*, concerning several Letters from abroad, directed to her by the Name of Mr. or Mrs. *Burton*, has declar'd upon Oath, that Mr. *George Fernegan* (who is a Roman Catholick, and appears to have been long employ'd by the Pretender) being in England about six Months before her Examination, did, upon his going for France, leave Orders with the said Mrs. *Spelman*, to send to the Duke of *Norfolk*, such Letters as she should receive from him, *Fernegan*, directed to Mrs. *Jones*; and to Mr. *Harvey of Combe*, such as she should receive from him, directed to Mrs. *Williams* in *Newgate-street*, *Norwich*; and to Mr. *William Moor* (who lives or did live in *Brownlow-street*) such as she should receive from him, directed to Mr. *Frampton*: And that it was agreed between her and *Fernegan*, that he should direct to her by the Name of *Burton*, when he did not do it by her own Name. That she did accordingly send the Letters that came to her with the Directions abovemention'd, having first enclos'd them under new Covers, which she herself directed; that she sent them by common Porters, who always brought her back an Account of their having

having deliver'd them, or of the Person's not being at Home; that particularly one to the Duke of *Norfolk*, was brought back again by the Porter, his Grace not being in Town, which Letter she kept 'till he came to Town, and then sent it to him. That she once receiv'd a Message from the Duke of *Norfolk*, by Mr. *Edward Fernegan*, that his Grace could not answer a Letter she had convey'd to him from *George Fernegan*, because he, the Duke of *Norfolk*, had not the Key, of the Cypher; it being in his Brother's Hands; she likewise own'd her receiving several Cyphers and Keys of Cyphers from *George Fernegan*, which she burn'd between the Time of her first and second Examination.

Copies of these Cyphers having been taken at the Post-Office, it appears that one of them was mark'd, *A Key and Cypher, with Mr. Farmer and Jerry*; and another, *D, O, and J*; the first of which is probably a Cypher between the Pretender and *Fernegan*, and the latter between him and the late Duke of *Ormond*. It farther appear'd to the Committee, that *Edward Fernegan* being examin'd in Relation to the Message from the Duke of *Norfolk* abovemention'd, has depos'd upon Oath, that about a Fortnight before the Duke went to the *Bath*, being inform'd that his Grace had enquir'd for some of their Family, he, *Fernegan*, went to wait on him, and his Grace told him, that he had receiv'd a Letter from *George Fernegan*, who was then abroad, but that he could not answer it, because his Graces's Brother had the Key of the Cypher, in which it was written; and that he, *Fernegan*, deliver'd this Message to Mrs. *Spelman*. The first Letter directed to Mrs. *Jones* (the Duke of *Norfolk*) of which a Copy was taken, is dated, *Cambray, July, the 12th, 1722*, and is partly in Cypher, but has been decypher'd in the Manner following:

Sir

VARIOUS Considerations, which oblig'd me to submit, depriv'd me 'till now of the Honour of Writing to you; therefore I flatter myself, you incline to favour me with Opinion, that my Zeal and Attention are above falling into any Negligence, where your Solitude or private Satisfaction is concern'd. You have been in some Manner a Witness of the late Turn in Affairs, and undoubtedly know so much of them, that I fear it will prove superfluous to trouble

you

you with the Particulars which I have: After several Meetings with some of our Friends at *Paris*, . . . . . was of Opinion, that the whole should be communicated to the Regent; which being agreed to, that Lord was deputed to wait on him: They met and parted in Appearance, the best Friends in the World, notwithstanding, immediately by the Regent's Orders the Secret was discover'd to King *George*. How is it possible to arm one's self with sufficient Prudence against such a Conduct? These being our private Concerns, I leave them to divert you with the publick News: The Overture of the Congress seems now in the Way to be deferr'd to the K. of *Fr.* Majority, who, since his Removal to *Verfailles*, is in a Manner, solely in the Hands of the Regent. His Coronation remains still fixt on the 15th of *October*, so, in all Appearance, this Year produces no Disturbance to the present Peace of *Europe*. The Emperor grows daily more powerful in *Italy*, by the Pope's falling into that Interest; he has lately seiz'd the Fortrese of *Massa* in *Florence*, and promises the Investiture thereof, with that of *Parma*, to the Prince of *Savie*, upon his Marriage with the Princess *Josephina*. *Spain* will be under great Difficulties to find Means to support their Claim to these Provinces, especially at a Time that *France* seems negligent of every thing which concerns them. There is no Appearance likewise that the Affairs in the *North* produce any thing material this Season. The pacifick Temper of the K. of *Prussia*, secures every thing on that Side, and has probably prevented the Disturbance threaten'd in those Parts. Thus at present are the Affairs of *Europe*.

I did not fail of my usual Solicitations in Favour of your Brother, and to add what in Justice I thought you merited: This I did upon the first Occasion, after my coming over; to which, from the King, I have this Answer:

June the 15th.

N O Body has a better Opinion than I have of the great Person you mention, nor does his Character more Justice: I shall be always desirous to do what is in my Power to convince him of my Regard for his Brother, who now is in the Country with me; but I fear it will not be Time to move in the Particular you mention of some Years yet, which will be

the Case of all others who pretend to the same Right as I do.

Thus far was his. There is a Pleasure to see with what generous Virtue he repays all who consider his Misfortunes. I presume to mention one Thing more, being mov'd to it out of a pure Consideration to the Credit it will give to your Name. Doctor *Witham* finds himself under the Necessity of building the old House, being ready to fall, and next Spring they begin, but upon so small a Fund as will never finish the Work, as it ought to be; the Consequence of which must necessarily oblige them to beg the Assistance of their Friends. I should be sorry upon this Occasion, that any other Person should distinguish himself so, by a Donation, as to merit his Arms to be plac'd in the Front, where I could wish to see your own. I have not spoke one Word of this to any Person in the House, thinking it would look more generous in you, if dispos'd to take the Credit in laying the first Stone, to move, and offer it your self. As to other Matters, if I can be serviceable in these Parts, either in your Particular, or to the Interest of the Party, you know me faithfully devoted to both. I have obtain'd Leave to return by the End of Summer, finding it inconvenient to my private Situation to remain longer abroad. I hope, then to present you with fresh Proofs, with what Zeal, and Respect I have the Honour to be,

Sir, your most obedient and  
most humble Servant.

Be pleas'd to address to me,  
a *Monsieur Hooker*, under  
Cover a *Monsieur Pigault*,  
*Banquier a Calais*.

The Committee observe from this Letter, that *Jernegan* supposes the Duke of Norfolk already acquainted with a Design, on which Application had been made to the Regent, and with the Causes of its Miscarriage; that however, in Order to shew his Zeal and Attention in any thing, where he thought the Duke's Solitude concern'd, he sends him an Account of what had happen'd to their common Friends at Paris, and of the Secret's being communicated to King George, by the Regent's order; and then laments the Impossibility of proving themselves with sufficient



Scient Prudence against such a Conduct, which, supposing it to have been such as they represent, yet could not possibly have appear'd blameable to any but the Enemies of our present happy Establishment. He then shews from the Situation of Affairs in Europe, there is but little Prospect of any Rupture, which may be favourable or advantageous to their Designs. He afterwards acquaints the Duke, that he had repeated his Solicitations to the Pretender, in Favour of his Grace's Brother, and had also added what in Justice he thought his Grace himself merited; to which, he receiv'd an Answer from the Pretender (whom he styles *the King*) acknowledging his great Opinion of the Duke, and the Justice he does his Character, and his Readiness to convince his Grace of his Regard by any Kindness he can shew his Brother. And the Inference which *Jernegan* makes from the Regard express'd towards the Duke in this Letter of the Pretender's, is that there is a Pleasure to see with what generous Virtue he (the Pretender) repays all those who consider his Misfortunes. He concludes with telling the Duke, that if he can be serviceable in those Parts, either in his Grace's own Particular, or to the Interest of the Party, his Grace knows him faithfully devoted to both.

On the 1<sup>st</sup> of August, *Jernegan* writes a second Letter to the Duke, as follows:

Sir,  
THE Vicissitude in our Affairs being a perpetual Ebbing and Flowing, 'tis extremely difficult to assure any thing with Certainty: In my last of the 17<sup>th</sup>, I mention'd how Things had happen'd; and altho' the Fact was true, yet the Consequence did not answer what we apprehended; It was a politick Necessity, which urg'd and demanded that Conduct, and it appears now to have succeeded so well, that every Hand is at work as before, to draw Things to a right Conclusion; brief's, we are statior'd that the Regent is cordially in our Interest, and disposes every thing to undertake the Work, which, according to some Accounts, will be put in Execution within two Months. Those who are serious and make due Reflection on these Matters, know how fit they may be useful to the Cause, and with timely and prudent Preparations may dispose their Friends to act a lively Part; whilst they themselves keep retir'd, till the Success one Way or the other determines what is necessary to be done.

"I have Opportunity, by being in these Parts, of picking up several good Officers, and with a little Trouble, as many as would compleat an entire Regiment, into which any Gentleman might enter himself, and do his Duty with Honour. This is what I thought fit to propose on this Occasion, and should be glad to know, if solely upon your own Bottom, this may be thought on: I shall take all necessary Precaution, and shall first know certainly what there is to depend upon. Your Opinion on these Matters, with the Assistance of your Advice, will lay a most sensible Obligation on him, who entirely devotes himself,

*Sir, your most obedient and  
most humble Servant.*

*Let the Conveyer of these furnish you with my immediate Address.*

The Committee observe, that in this Letter, *Fernegan* does, with an Air of great Satisfaction, try to lessen the Apprehensions and Discouragements, which he suppos'd his former Account of the Regent's having betray'd the Secret might have rais'd in his Grace, and says, that every Hand is now at Work as before, to draw Things to a right Conclusion, without explaining what that former Work or the right Conclusion hop'd for is; which Particulars it appears, he thought so well known to the Duke, as not to need the least Explanation.

Then after telling his Grace, We are flatter'd the Regent is cordially in our Interest, and is disposing every thing to undertake the Work within two Months Time, he intimates, that from this Hint, one of his Grace's Seriousness and Reflection might be useful to the Cause, by disposing his Friends (who may justly be understood to be the Roman Catholics) to act a lively Part, while he himself lies retir'd; waiting till the Event should determine what Part it was proper for him to take.

He then makes the Offer to his Grace of raising an entire Regiment of Officers in *Flanders*, into which, any Gentleman might enter himself, and do his Duty with Honour, and desires to know, whether on his Grace's own Bottom, such a Thing might be thought of.

This reasonable Offer, from an humble Servant of his Grace's, shews, that *Fernegan* was at least persuaded it would not be ill received, which could only proceed from a thorough Assurance of the Duke's Inclinations to the Pretender's Cause, and of his Inclination to support it with Men and Money, whenever a Probability

bability of Success should make it safe and proper for him to espouse it openly.

The Committee farther observe, that this Letter was writ about the same Time that *Plunket* was so busy in pressing *Dillon* to sollicit the Regent's Assistance; and that the Term for putting the Design in Execution, which is mention'd in *Jernegan's* Letter to be within two Months from the Beginning of *August*, has an evident Relation to the third Period pitch'd upon by the Conspirators, which was the breaking up of the Camp. And it appears by several concurrent Advices from *France, Spain, and Italy*, during the Months of *July* and *August*, that the Design, which had been suspended upon the first Discovery of the Plot, was again resum'd, and Preparations made for the Pretender's leaving *Italy* about the Beginning of *September*; for which Purpose, the Ship *Revolution* (since taken) set Sail for *Italy* the latter End of *August*, having on Board near 200 Men and a great Number of Officers.

Mention is made in *Jernegan's* Letters to Mrs. *Spelman*, of a great Number of Letters written to, and receiv'd from Mr. *Harvey* of *Combe*, by the Name of Mrs. *Williams*; and in one of his Letters to Mr. *Harvey*, he says 'The Regent plays a Game apart, and confides in none but *Britain*, and has sacrific'd us, to make a firm Friend of King *George*. The late Disappointment in our Affairs has given a surprizing Power to the Court of *France*; they silence all other Princes in Regard to us; none now dare look that Way, or undertake the least trifling Service in our Favour.

On the 20th of *July*, Mr. *Harvey* sent answer to this Letter, the Original of which is stopp'd, and is sworn by Mrs. *Spelman*, to be his Hand-Writing; the said Letter is in the Appendix to the Report, H. N<sup>o</sup> 16, 17, 18, as follows:

*An anonymous Letter, without a Superscription, inclos'd in a Letter directed, A Monsieur Hooker, under a Blank Cover a Monsieur Pigot a Calais.*

*The 20th July, 1722.*

S I R,

THIS Place affords News, and all honest Men are so well satisfy'd now with good King *George's* Government, having such wise, honest, and well descend'd Counsellors, such as *Cor-dogan, Macartney, Wills*, and

for other advices *Townshend*, *Warpole*, *Parker*, and *Pratt*; the Fleet in *Lord Torrington*, and such: We now have no Fears from the Pretender's troubling of us, tho' I am certain Things looke cherfully in all your Freings Faces; but for my Part, I expect litle good from any thing the Parliament will do, for I really believe this a worse much then the last. All the Town is fill'd with Expectations of seeing the Funirale of *Lord Malherbourg*, the 2d of *Agost*, who has left the vilest Caracktar behind him ever year any one did; and you will are long see *Cor-dogan* a Duke, and to have a blue Garter, and likewise all the former Atchivment's of *Malherbourg* attributed to *Cor-dogan*'s Care and Judgment, only excepting about 100,000 l. a Year goot by him and Dutcheis Scraping and Villanys. *Lord Shetwyn* and Lady he Eath of the Cerialia are warn'd out, and a Cargo of new German Ladys of the largest Size are coming, and *Mahomet*, *Ulerick*, are to be Chiefe over them. *Sir Sep. Hill*, and such Informers, increafe in all Places. And *Halse*, the Gamester, and *Lord Londonderry*, are gone for *Paris*, and or Friends well know are Spys sent hence to give Intelligence how the Regent behaves: In short, only Villany, Begarey, and Mahomitifam is countenance'd by those in Power. The K—— goes a Progress to *Poret-smoth*, *Salesbery*, and some say will venture to *Plimoth*, in *Agust*, to see the several Camps, and see himselfe the Camps and Countinances of his Subjects, being so brave and experienced a Prince, and good Judge. The *South-Sea*, and *Bancke*, by *Sergen*'s Management, are united, and three Millions of Checker Nots are coming out for the Benefit of the Banke to be circulated, that will, whenever the *Checker* please to stop Payments as once before they did, carry off, in three Months, all the Coyne, and perhaps Plate and Jewels in the Land, unless by Providence reliev'd; and most of your Friends see the Deligns of those in Power only tend to bring us into a Commonwealth, if good *K. George*, dos not see the Deligns of the Veannin about him. I dare say no more, only I hope, I understand yours of the 19. of *July*; and believe me unalterably,

Sir,

*Yours at Command.*

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The Committee take Notice, that the treasonable Correspondence, above set forth, was not confin'd to England only, but was carry'd on in Scotland, under the same Cant Expressions of *Wine, Trade, Goods, &c.* And it appears that the Pretender's Agents were equally busy in disposing Matters for an Insurrection in that Part of the Kingdom, at the same Periods of Time as were fix'd on in England. The Government receiv'd Information upon Oath from one *Lodwick Anderson*, that on the 28th of January, 1771, Brigadier *Mackintosh* was seen by him (*Anderson*) at the House of Sir *John Mackenzie* of *Coul*, and told *Anderson*, that the Pretender design'd to have on the Crown of Scotland before Midsummer, and that he was to be assisted from France, Spain, and Muscovy; that General *Gordon*, and Captain *Tulloch*, were to lead at the *Loch Elch*, with Arms for this Purpose. That *Mackintosh* was then in Britain, agree with *Panclier's* Deposition. *Anderson* farther depos'd, that on the 15th of February, he met the Lord *George Murray*, at a Place not far from the Earl of *Kintore's*, who confirm'd to him what *Mackintosh* had said, with several other Particulars; that two Days after he met Mr. *James Keith*, Brother to the Earl *Marshall*, who, after having told him, that there would be a Descent in Favour of the Pretender, nam'd to him several Persons (specify'd in his Deposition) that were come over to get Matters in a Readiness. This the Committee observes, answers to the first Period of Time for beginning an Insurrection with the Help of foreign Forces, during the Time of the Elections.

About the Beginning of May, a Letter was intercept-ed, directed to Mr. *Paten Smith* at *Boulogne*, and inclosing another to *De Martyn*: Which Letters, as the Committee are inform'd, are in the Hand-Writing of Mr. *Cochran*. Who is meant by *De Martin*, does not appear.

In this Letter, *Cochran* says, 'Our Customers on this Side of the Water, are as fond of taking our Goods, as you are of sending them; but, I am afraid, if they are not sent soon, the Market will be forestall'd, for our Enemies begin to be upon their Guard.' He adds, that their Friends in England are willing to send Money to pay for them per Advance, and that they in Scotland, are not backwards, but hope, in a few Days, to remit as much Money, as will be sufficient for their Country. He then desires to know how soon they may expect their Wines on this Side the Water, that they may not themselves

'selves in a sufficient Posture for receiving them. The Committee likewise find, that *Christopher Glascock*, *Dillon's* Agent, carry'd on Correspondences to the same Effect, with one who went by the Name of *James Johnston* at *Edinburgh*, and that *George Kelly* corresponded with the same *James Johnston*, and own'd to the Lords, at his Examination, his having sent the said *Johnston* a Paper from *Glascock*, which he pretended, related only to the *Mississippi*.

Letters were likewise intercepted going from *Edinburgh*, directed to *Collins* at *Mr. Waters's*, a Banker at *Paris*; which *Collins* appears, by *Kelly's* Cypher, to be *Colin Campbell* of *Glenderoule*.

In one of these Letters to *Collins*, Mention is made of a Person of great Consequence and Distinction, lately regain'd to the Pretender's Party, who insisted on a Sight of the Contract of Copartnery, which *Collins* is desir'd to send over by the first sure Hand; and *Collins*, in his Answer, sign'd *R. Brown*, promises it shall be sent over. This Particular agrees with *Fairfax's* Deposition upon Oath, That *Lacy* told him, the People of *England* were backward, but that those of *Scotland* had already enter'd into an Association. In the same Letter to *Collins*, it is said, That the Person of Consequence, who had insisted on a Sight of the Contract of Copartnery, desir'd an Order from *Mr. Malcolm* for raising one or two Battalions, but was told those Orders might come time enough by the Hands of those who happen'd to come first to open the Commerce; which shews of what Nature that Commerce was. In the same Letter, Application is made to *Mr. Malcolm*, for a Patent for Knight Baronet; both which Circumstances confirm *Malcom* to be the Pretender. The Committee observe, that these Letters, and some others, which appear to have been intercepted about the Month of *May*, and are annex'd to this Report, fall in with the second Period of Time fix'd by the Conspirators in *England*. And on the 18th of *August*, O. S. *Mr. Stanhope* writes Word from *Madrid*, that he had receiv'd Intelligence, that the *Scotch* had engag'd to bring 22000 Men into the Field in ten Day's Time, in Case the late Duke of *Ormonde* would come over with Arms to head them, and that they daily sent most pressing Messages to *Ormonde*, on that Subject; which shews that the Design was reasum'd a third Time in *Scotland*, as it was in *England*. The Committee farther observe, that agreeably to what was promis'd in *Mr. Cochran's* Letter

Letter of the 28th of April, Mr. William Erskine did on the 3d of May, remit two thousand Pounds Sterling to Mr. Gerrard (*Dillon's Secretary*) at Paris, and own'd, his so doing on his Examination before the Lord Justice Clerk, but refus'd to discover who Gerrard was, or from whom, and for whose Use the said Sum was remitted. When he was taken into Custody, a Letter was seiz'd in his Pocket, which is all in the late Lord Marr's own Hand-Writing, dated *Paris, February the 9th, 1722*, in the following Words :

*Paris, Feb. 9. 1722.*

† Have, William, yours of the 7th, for which I am oblig'd to you, and take all you say, as I ought, from the good Heart from whence I know it comes, tho' at the same Time you put a greater Value on your Friend than he deserves : But be that as it will, I am fully perswaded, as you may be, that he will never fail an Occasion for what you mean, nor neglect endeavouring to bring it about, where he sees it can be of Advantage to his Country; and his Friends and Countrymen may depend on it, when they see him engag'd again, that the retrieving of it from the low Condition it is now in, and otherwise ever like to be, is the chief Motive that induces him, and he hopes in that Way, he will not be without the Assistance of all who wish the same Thing; and the more, that he will take all the Care he can not to expose them for serving that of others, if at the same Time he be not pretty sure of its doing effectual Service to their own, and putting it on a better Foot than it has been these hundred Years past. If he look'd but to his own private Interest, he could perhaps find a Way, which could conduce more to it : But he hopes, by his former Actions, it appears, that he never put that in Competition with what he thought was the Interest of his Country, tho' in which he owns he was once mistaken, as many others may have been ; but as he never scrupled owning his Fault, since he found it by Experience to be one, so he has ever since endeavour'd to make amends, and will as long as he lives.

Things are in such a Situation at present over all Europe, that there appears little of any Opportunity of doing what is to be wish'd on that Account; but Things of this Kind are very uncertain, and an Opportunity may come, or be brought about, when

‘least expected; and you may believe, it will not be  
 ‘neglected when it does; nor will any Endeavours be  
 ‘wanting to bring it to that Pass. Hush! tho’, must be  
 ‘the Word, and Friends must not take amiss their not  
 ‘being acquainted previously to the Execution, in which  
 ‘it is to be hop’d they will not fail. You see I make  
 ‘no Scruple in writing freely to you, but you know the  
 ‘Consequence of this coming into wrong Hands, and  
 ‘those it is fit and of Use to be told to, you know too:  
 ‘So I leave it to your own Discretion, of which you  
 ‘have given me many Proofs. I have been much out  
 ‘of Use of writing to *H. S.* for some Years past, and I  
 ‘have not yet got a Return of one I wrote him last  
 ‘Summer; but I shall write to him of what you men-  
 ‘tion in yours.

‘As to *M*———y, I care not to say more about  
 ‘him, and were it not that I think it for the Good of  
 ‘a certain Person and Cause, I should not even wish to  
 ‘have all the Truth told of him, since his being abroad.  
 ‘I cannot answer for what Handles may be given him  
 ‘for his Justification; but let honest Men who wish right,  
 ‘tell the Truth, where they know it, and that it is ne-  
 ‘cessary, and shame the Devil.

‘I wish you a good Journey and good Luck with all my  
 ‘Heart, and that we may soon have an Opportunity to  
 ‘meet merrily, and be of Use to our Country. My  
 ‘Compliments to my Friends, and I hope, we shall ne-  
 ‘ver have Cause to be ashamed of other.

‘I shall long impatiently to hear from you after your  
 ‘getting to *London* and *Edinburgh*; and pray do not fail  
 ‘writing after your coming to both Places, and have  
 ‘seen People.

‘Send me your Address, and you may be sure of hear-  
 ‘ing from me, when it can be of any Use. Pleasure it  
 ‘would be always to me, but that must yield sometimes  
 ‘to Circumstances.

‘My Family salute you, and wish you all Happi-  
 ‘ness, as I do, who am sincerely and affectionately yours,  
 ‘*Ec.* *Adieu.*

‘I wish you may have something agreeable to tell me  
 ‘of your Brother and Uncle, when you have seen  
 ‘them, and remember me kindly to your Father-in-  
 ‘law. Sure we must all wish the same Way to our  
 ‘Country.

‘What is become of our Cousin *Will*, who, I hear, is  
 ‘still where you have been for some Time?

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The Committee likewise find evident Footsteps of this treasonable Correspondence, from *Ireland*; but having already shewn sufficiently the Extensiveness of the Conspiracy, they forbear to tire the House with any farther Particulars. Concluding, that if the frequent Receptions of the same Matter have swell'd the Report into too great a Length, they are perswaded the House will excuse it, since it was in all the Places where they have done it, necessary to explain the Passages related, or else to shew the Connection of the Treasons, as well as the Co-operation of the Conspirators in their wicked Design of dethroning his most Sacred Majesty, and overturning our present happy Establishment in Church and State.

Having thus finish'd the Abstract of the Report of the Secret Committee, and omitted nothing essential, we must here take Notice, that the Right Honourable the Earl Cowper, and Archibald Hutcheson Esq; in Order to clear themselves from the false Aspersions cast upon them in *Layer's* Examination, thought fit to publish in Print the following Declarations.

*The Declaration of William Earl Cowper, shewing that the Matters contain'd in some Hearsays, relating to him, in the Examinations of Christopher Layer, are false and groundless.*

March 20, 1722.

THEO' Hearsay does not affect any one, either in Law, or Reason, yet it deserves Contradiction, where the Truth will bear it, especially if printed: And therefore finding that *Layer* in his Examinations of the 19th of *January*, and 4th of *February* last, hath said, that one *Plunket* told him, (as explaining what was meant by *Burford's Club*) that Lord *Orrery* was Chairman; and that Lord *Cowper*, and seven other Lords, and six Commoners nam'd, were of that Club; and that this Club met monthly; as he, *Layer*, thought, at one another's Houses; And not doubting but my Averment will be believ'd before any Hearsay, especially from one in *Layer's* sad Circumstances; I do hereby declare and affirm upon my Honour, that I do not know, or believe, and never heard before the said Examinations were talk'd of, that there was any such Club or Meeting: That as to three of the Commoners nam'd, viz. Sir H.

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Goring,

*Goring, Mr. Dawkins, and Mr. Shippen*, I do not know them so much as by Sight; and as for two of the remaining three Commoners, *viz. Sir Constantine Phipps, and General Webb*; I have not been in their or either of their Companies at any Time within sixteen Years last past; and as to the Lords, I never met them, or any of them, but either accidentally on Visits of Ceremony, or in the Time of Parliament, and that, with other Lords, on the Business of Parliament only: And for one of the said Commoners, whom I am acquainted with, *viz. Mr. Hutcheson*, I never once was at any Meeting with him, together with any of the said Lords or Commoners. And whereas *Layer* in his Examination of the 19th of September last, said, that Lord Orrery told him, that Lord Cowper told him (Lord Orrery) that 200 Tories, and 90 Grumbletonians, would try their last Effort in the House of Commons; and in another Examination of the 21st of the same Month, *Layer* repeats the same, except that he uses the Words *Angry Whigs*, instead of the Word *Grumbletonians*: I do hereby declare, and affirm upon my Honour, that I never said so to Lord Orrery, nor to that Effect, nor any thing like it: And I do therefore verily believe that Lord Orrery never said that I did.

*Cowper.*

*A Declaration sign'd by Archibald Hutcheson, Esq; and given to several of his Acquaintance, soon after he had perus'd the Examination of Christopher Layer in the Appendix to the Report of the secret Committee, in which Layer has made Mention of his Name, as one of Burford's Club; which the said Layer, in his Examinations, saith, he was told by one Plunket.*

March 4, 1722.

HAVING read Part of the Examination of *Layer* of the 19th of January, and 4th of February last, in the Appendix to the Report of the secret Committee, in which *Layer* is mention'd to have said, that one *Plunket* told him, as explaining what was meant by *Burford's Club*, that Lord Orrery was Chairman, and that this Club met monthly, at one another's Houses, as *Layer* thought; and that *Plunket* told him, that there were eight other Lords and six Commoners (whose Names he mentions, and mine as one of them) of that Club: I do hereby declare, upon the Honour of a Gentleman, that I

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do not know, or believe, that there was a Club, or Meeting of any of the Lords or Gentlemen mention'd in the said Examination, nor have I ever heard of any Meeting where Lord Orrery was present, except that which was carry'd on in the two last Sessions of Parliament, when Lord Orrery, and several Lords and Gentlemen (not mention'd in *Layer's* Examination) met Weekly, and I believe, with great Innocence, din'd at one another's Houses; and I do further affirm, that even on accidental Visits, I have seldom met together any two of the Lords and Commoners so mention'd in *Layer's* Examination: That there are two of those Commoners (*Sir Henry Goring*, and *Mr. Dawkins*) whose Faces I do not know; and two others (*General Webb*, and *Sir Constantine Phipps*) between whom and me, there hath not been, for fifteen Years last past, the Intercourse even of Ceremonial Visits; and between me and the fifth Commoner (*Mr. Shippen*) but very seldom: That there are three of those Lords (*Scarsdale*, *Craven*, *Gower*) with whom I have very little Acquaintance; a fourth (*Lord Bingley*) whom I have never met any where but in Visits to others, or in publick Places; and a fifth (the Bishop of *Rocheſter*) in whose Company, I have been but twice in three Years Time. I mention this, to shew the notorious Falshood of *Layer's* Hear-say Evidence of *Burford's* Club, an Appellation I never heard of 'till some Time after the Appointment of the Secret Committee.

*Arch. Hutcheson.*

We will now resume the Proceedings of the British Parliament.

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*Proceedings of the Parliament of Great Britain, continu'd from Page 150 of the preceding Register.*

ON the 11th of March, Mr. Speaker was order'd to issue out his Warrant for a new Writ for electing a Burgess for the Borough of *Queensborough* in the County of *Kent*, in the Room of *James Littleton*, Esq; deceas'd. Then the House resum'd the adjourn'd Consideration of the Report from the Secret Committee, and Mr. Solicitor-General open'd the Debate in a Speech, wherein he particularly enlarg'd on the Share Mr. George Kelly alias *Johnson*, had in the traitorous and detestable Conspiracy, and then propos'd this Que-

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sion, viz. That upon Consideration of the Report from the Committee, appointed to examine *Christopher Layer*, and others, and the several Papers and Examinations relating to the Conspiracy, it appears to this House, That *George Kelly alias Johnson*, has been a principal Agent and Instrument in the said horrid and detestable Conspiracy, and has carry'd on several Treasonable Correspondences to raise Insurrections and a Rebellion at Home, and to procure a foreign Force to invade these Kingdoms from Abroad: This Motion being seconded by Mr. *Sandys*, was carry'd without any Division. Then Mr. Solicitor-General mov'd, that a Bill be brought in to inflict certain Pains and Penalties upon *George Kelly alias Johnson*, which was seconded by Mr. *Walpole*. Hereupon Mr. *Trenchard* said, he thought the properest Way to proceed against this Criminal, was in the old parliamentary Method, by Bill of Attainder, there being sufficient Proof to support such a Bill: But this Motion was not seconded. On the other Hand, Mr. *Bromley*, Mr. *Shippen*, Mr. *Lutwyche*, and some others, oppos'd Mr. Solicitor-General's Motion, but were answer'd by the Master of the Rolls, and Mr. *Talbot*; and about four in the Afternoon, the Question being put thereupon, was carry'd in the Affirmative by 280 Voices against 111.

Then Mr. *Yonge* stood up, and in a long Speech took Notice, how deeply Dr. *Francis Atterbury*, Bishop of *Rocheſter*, had been concern'd in this detestable Conspiracy; aggravating his Crime from his holy Function, and high Station in the Church of *England*, a Church ever conspicuous for its Loyalty; from the solemn Oaths he had, on so many Occasions, taken to the Government, and by which he had abjur'd the Pretender; when at the same Time he was traiterously conspiring to bring him in, upon the Ruin of his Country and of all that was dear and valuable to us, as Freemen and Christians; Concluding, that as he was a Disgrace to his Order, and Dishonour to the Church, so he might apply to him on this Occasion, these Words of the 1st of *Acts*, Verse 20. *Let his Habitation be desolate; and let no Man dwell therein: And his Bishoprick let another take.* And therefore he mov'd, that it appears to this House, that *Francis Lord Bishop of Rocheſter* was principally concern'd in forming, directing, and carrying on the said wicked and detestable Conspiracy, for invading these Kingdoms with a foreign Force, and for raising Insurrections and Rebellions at Home, in Order to subvert our present happy Establishment in Church and State.

State, by placing a Popish Pretender upon the Throne. Mr. Yonge was seconded, and strongly supported by Sir John Cope; but they were answer'd by Sir William Wyndham, who said, he saw no Cause to proceed against the Bishop in so severe a Manner, there being little or indeed no Evidence besides Conjectures and Hearsays. He was back'd by Mr. Bromley, Mr. Shippen, Mr. Hutcheson, Mr. Hungerford, Mr. Strangersways, Mr. Lutwyche, and Dr. Friend. They were reply'd to by Sir Joseph Jekyl, Mr. Chancellor of the Exchequer, Mr. Pelham, Mr. Talbot, Mr. John Smith, and Mr. William Pulteney; and a Motion being made, and the Question being put, that the House do now adjourn, it pass'd in the Negative by a Majority of 285 Voices against 152; after which, the Question being put upon Mr. Yonge's Motion, the same was carry'd without dividing. Then a Motion was made, and the Question put, that a Bill be brought in to *inflict certain Pains and Penalties on Francis Lord Bishop of Rochester*, which after some further Debate, was also carry'd without any Division.

The Commons having sat very late, adjourn'd themselves to the 13th of March, when Mr. Chancellor of the Exchequer acquainted the House, that he had receiv'd his Majesty's Commands to acquaint this House, that his Majesty having had just Reason to apprehend Dr. John Friend, (a Member of this House) for High-Treason, had caus'd him to be apprehended, and desir'd the Consent of this House to his being committed and detain'd for High-Treason, according to an Act of this present Session for *impowering his Majesty to secure and detain such Persons as his Majesty shall suspect are conspiring against his Person and Government*: Upon which he mov'd, that an humble Address be presented to his Majesty, that he would be pleas'd to give Order for committing and detaining Dr. John Friend (a Member of this House) pursuant to the Act of this Session of Parliament for that Purpose. This Motion was seconded and back'd by several Members: But Mr. Shippen and Mr. Bromley oppos'd it, saying, they could not see any Reason for that House giving Leave for detaining any Member, unless the Species of Treason was declar'd, and that the Information was upon Oath. Sir Joseph Jekyl and Mr. Robert Walpole, reply'd, That by the late Act for suspending the *Habeas Corpus*, the King was impower'd to take up any Person he had Reason to suspect; that therefore the Government was not oblig'd to say, whether the Information

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was upon Oath or not; But Mr. *Walpole* added, He did not doubt but Dr. *Friend* was charg'd upon Oath; and privately declar'd to several Members, that they had a positive Oath of his being guilty of the blackest and basest Treason. Mr. S———n then suggesting, that the Doctor's having spoke so warmly the *Monday* before, in *Kelly's* and the Bishop of *Rochester's* Behalf, was, in his Opinion, the Reason of his being taken up the next Day himself, and that at that Rate, there was an End of the Liberty of Speech which every Member of that House had a Right to: Mr. W———le, with a great deal of Warmth, reply'd, He wonder'd any Gentleman could think any Ministry capable of so base a Thing, as to take up any Gentleman for what he said in that House, without any other Cause, when they knew themselves to be accountable as well as others for their Actions: Adding, that they who made such Insinuations, might more easily be prov'd to be Jacobites, than they could make out such an Allegation against the Ministry; Mr. *Pulteney* spoke on the same Side, and in Relation to Dr. *Friend's* speaking in *Kelly's* Behalf, observ'd, that it was usual in all Conspiracies, for one Traytor to endeavour to excuse another. Mr. S———n with some Warmth animadverted upon this severe Reflection, saying, it was not to be endur'd, to have a Member of that House call'd a Traytor, before he was convicted as such: But Mr. *Pulteney* having explain'd himself, that Matter ended; and then the Motion for an Address was carried without dividing.

*March 14,* An ingross'd Bill for reviving and adding two Millions to the Capital Stock of the South-Sea Company, &c. was read the third Time, pass'd, and sent up to the Lords; and then the Commons having resum'd the adjourn'd Consideration of the Report from the Committee appointed to examine *Christopher Layer*, and others; it was resolv'd, 1. That the said Report be communicated to the Lords at a Conference: 2dly, To address his Majesty for Leave, that the Papers and Examinations which had been laid before the House, relating to the Conspiracy, might be communicated to the Lords. 3dly, that an humble Address be presented to his Majesty, expressing the Indignation of this House against the horrid and detestable Conspiracy which had been carry'd on against his Majesty's Sacred Person, and to congratulate his Majesty on the happy Discovery of it, and to assure his Majesty, that this House would proceed with the utmost Vigour, to bring

bring those to Justice who had been concern'd in these unnatural Designs against their Country, and would effectually support his Majesty's Government, and would maintain with all that is dear and valuable to them, the present happy Establishment.

A Committee was appointed to draw up this last Address, of which Mr. Broderick being chosen Chairman, he reported the said Address to the House on Monday the 18th of March, and the same having been agreed to, was on Wednesday the 20th presented by the whole House, to his Majesty as follows:

*Most gracious Sovereign,*  
**Y**OUR Majesty's most dutiful and loyal Subjects, the Commons in Parliament assembled, do humbly beg Leave to approach your Royal Person with Hearts full of Concern and Horror, for the detestable Conspiracy form'd against your Person and Government.

We lament, with Indignation, that any of our fellow Subjects who enjoy in common with us, the many and signal Blessings of your Majesty's mild and just Administration, should so far give themselves up to Delusion, as to conspire against publick Liberty, against their own Security, and against the only Bulwark of all that is dear and valuable, your Majesty's Person and the Protestant Succession in your Royal Family.

We see with Astonishment, that Persons of Figure and Distinction, who ought to have been the best Judges, and most zealous Defenders of your beneficent and mild Reign (by which alone their Fortunes and Dignities can be made secure) should be so far insatuated, as to head and abett a monstrous Conspiracy to destroy your Majesty, their Country, and themselves; that Honour, Faith, and the most solemn Ties of Religion, should be violated in Favour of a Popish Fugitive, known only for his blind Bigottry and Attachment to *Rome*.

As we have with sensible Sorrow and just Resentment, discover'd these vile Practices, so will we take Care that the wicked Authors may not, by any Contrivance or Practice whatsoever, escape Punishment; but that all Conspirators may, by the Justice of Parliament, be for ever hereafter deterr'd from engaging in such traitorous Attempts.

We congratulate your Majesty, and all your good Subjects, that you have escap'd the black and unnatural Designs of the worst of Men; and that Almighty God

has, by this happy Discovery, given you and your Royal Family a fresh instance of his singular Care and Protection.

For us (your faithful Commons) who feel with Joy and Gratitude the inestimable Blessings of your Reign; who are sensible of the glorious Advantages of Liberty, and of the Protestant Religion; and have in Abhorrence the Miseries and Slavery inseparable from Popery and a Popish Government.

We will stand by your Majesty, and effectually support your Government, at the Hazard and Expence of our Lives and Fortunes.

We will maintain and defend your Majesty's rightful and lawful Title to the Crown of these Realms, and endeavour to transmit to latest Posterity this happy, free, and ancient Constitution.

To this Address the King return'd the following most gracious Answer:

Gentlemen,

I Return you my Thanks for this dutiful and loyal Address: It is agreeable to the many Instances of Zeal and Affection to me, which you have upon every Occasion express'd. The just Resentment and Indignation you have shewn against this Conspiracy will, I doubt not, give entire Satisfaction to all that sincerely wish well to the present Establishment, encourage the Friends to my Government, and deter the Enemies of our common Peace from renewing these rash and desperate Attempts.

On the 15th of March, a Petition of Thomas Miffing of Portsmouth, was presented to the House of Commons, and read, praying for Leave to bring in a Bill for confirming Articles of Agreement between the principal Officers of the Ordnance, and the Petitioner, for Exchange of some Lands at Portsmouth, for the Service of his Majesty; and Mr. Chancellor of the Exchequer having acquainted the House, that his Majesty was pleased to consent that the said Exchange might be made: A Bill was order'd to be brought in upon the Prayer of the said Petition. It was also order'd, that the Reverend Dr. Aldrich be desir'd to preach before the House on the 25th of April next, the Day appointed by his Majesty's Proclamation for a publick Thanksgiving for the Preservation from the Plague; and Mr. Controller having acquainted



acquainted the House, that pursuant to their Address, his Majesty had been pleas'd to give Leave that the Letters and Papers relating to the Conspiracy, might be communicated to the Lords, the same was order'd accordingly, and that the Lords be acquainted, that the Commons desir'd that the said Papers might be return'd to them from Time to Time, as should be found necessary for the Proceedings of their House; pursuant to this, and a former Order, a Conference being desir'd by the Commons, and agreed to by the Lords, Mr. *Pulteney*, Chairman of the Committee appointed to be Managers for the Commons, acquainted their Lordships, That the Commons, upon Consideration of a Report from a Committee of their own Members, appointed to examine *Christopher Layer*, and others; as also several original Papers and Letters (upon their humble Application to his Majesty) laid before them, being entirely satisfy'd, that a detestable and horrid Conspiracy has been form'd and carry'd on by Persons of Figure and Distinction, for deposing his Majesty, and placing a Popish Pretender on the Throne; and being fully convinc'd that several treasonable Correspondences have been enter'd into by the said Traytors for soliciting a foreign Force to invade these Kingdoms; and that Endeavours have, at the same Time, been us'd by them for raising Insurrections, and inciting a Rebellion at Home; and the Commons finding with Horrour and Astonishment, that some of the Conspirators had arriv'd to such a Height of Wickedness, as to engage in a villainous and execrable Design of laying violent Hands on his Majesty's most Sacred Person, were thoroughly sensible, that nothing could so effectually contribute to the Safety of his Majesty, and the Preservation of our present happy Establishment in Church and State, as a perfect Unanimity between the two Houses of Parliament, and had therefore desir'd this Conference to communicate the said Report to their Lordships, together with the original Papers and Examinations referr'd to therein.

And as it might be necessary to the Commons in their further Proceedings, to have Recourse, from Time to Time, to the said original Papers and Examinations, they did desire, that upon Application to be made to their Lordships, the same might be return'd to them. Concluding, that the Commons did not doubt but that the same Zeal which actuated them, would likewise animate their Lordships in the vigorous Prosecution of these

wicked Conspirators, 'till they were brought to exemplary Justice; and until the united Repentments of both Houses of Parliament should convince the whole World of the Danger there is for the most subtle Traytors to attempt the Subversion of this Government, or endeavour to deprive a free and happy People, of the Blessing of his Majesty's Reign, and the Succession of his Royal Family, upon which, their Religion, Laws, and Liberties entirely depend.

Having done speaking, Mr. Pulteney communicated the Report above-mention'd to the Lords, and left the same; together with a Trunk lock'd up, containing the original Papers, Letters, and Examinations: The Managers being return'd to their respective Houses, the Lord President reported to the Lords the Subject-Matters of the Conference, whereupon their Lordships order'd, 1st. That the said Report and original Papers be referr'd to a Committee of nine Lords, to be chosen by Way of Balloting, the next Day; and that the said Trunk and Key be deliver'd to the Lord Chancellor, 'till the same be dispos'd of by Order of the House. 2dly, That the Managers of the Conference be a Committee to prepare what might be fit to be offer'd to the Commons, by Way of Answer to so much of what was deliver'd to them at the said Conference, relating to the said original Papers.

Accordingly, on Saturday the 16th of March, the Lords proceeded by Way of Ballot, to the Choice of nine Peers to be a Committee to enquire into the horrid and detestable Conspiracy, and upon a Scrutiny, the following List was carry'd by a vast Majority, viz. the Dukes of Dorset, and Montrose; the Earls of Scarborough, Lincoln, and Ilay; the Lords Lonsdale, and Torrington; the Bishops of Lincoln, and Salisbury.

On the 18th of March, the Lords desir'd a Conference with the Commons, which being readily agreed to, the Managers for their Lordships acquainted the Commons, that the original Papers communicated to them, should, according to the Desire of the Commons, be return'd to them, as Occasion requir'd.

The same Day, the Commons read the 3d Time, pass'd, and sent to the Lords, an ingross'd Bill for redeeming certain Annuities, &c.

March 19. Mr. Attorney-General presented to the House of Commons a Bill for inflicting certain Pains and Penalties

*Penalties on John Plunket*, which was read the first Time, and order'd to be read a second Time, on the 28th; it was also order'd, 1<sup>st</sup>. That a Copy of the said Bill, and of the said Order, be forthwith sent to the said *John Plunket*, and deliver'd to him by the Serjeant at Arms. 2<sup>dly</sup>, that Mr. Attorney-General, and Mr. Solicitor-General, do take Care that the Evidence against the said *John Plunket*, be ready to be produc'd to this House upon Thursday, the 28th. 3<sup>dly</sup>, That the said *John Plunket* be allow'd Pen, Ink, and Paper. Then Mr. Solicitor-General presented also a Bill for *inflicting certain Pains and Penalties on George Kelly, alias Johnfon*, which was read the first, and order'd to be read a second Time, on the 1<sup>st</sup> of April, and the like three Orders in Relation to this Bill, were made as those with Reference to the Bill for punishing *John Plunket*.

March 20. A Bill was order'd to be brought in for the *more easy assigning and transferring certain redeemable Annuities payable at the Exchequer, by Indorsements on the standing Orders for the same.*

On the 21<sup>st</sup>, a new Writ was order'd to be issu'd out for electing a Citizen for the City of *Hereford*, in the Room of *William Mayo, Esq;* deceas'd. The Order of the Day being read, for the House to go into a grand Committee upon the ingross'd Bill from the Lords, entitled *An Act to enable Archbishops, Bishops, Colleges, Deans and Chaplains, Hospitals, Parsons, Vicars, and others, having Spiritual Promotions, to make Leases of their Mines which have not been accustomedly letten, not exceeding the Term of one and twenty Years, and without taking any Fines, upon the granting or renewing the same*: It was after some Debate, resolv'd, that it be an Instruction to the Committee, that they have Power to receive a Clause to ascertain the Fines to be taken by Archbishops, and other Ecclesiastical Persons on the Renewal of Leases, held of them; and to oblige Persons holding such Estates, to renew such Leases in a Time limited. But a Motion being made, and the Question put, That it be a Instruction to the Committee, that they have Power to receive a Clause, that a proportional Part of the Rents to be reserv'd upon the Leases to be made, pursuant to the said Bill, be apply'd for the Increase of poor Vicaridges within the respective Dioceses, it was carry'd in the Negative.

March 22. Mr. *Creswick* from the Commissioners of the Customs, laid before the Commons, several Returns from

from the said Commissioners, with Accounts of the Duties and Allowances upon Tobacco; and Mr. Speaker having reported to the House his Majesty's Answer to their late Address, it was order'd, that the humble Thanks of this House be presented to his Majesty, for the said most gracious Answer. Then Mr. Yonge presented to the House a Bill for inflicting certain Pains and Penalties upon Francis Lord Bishop of Rochester; which was read the first, and order'd to be read a second Time, on the 4th of April next. It was also order'd, 1st. That a Copy of the said Bill and of the said Order, be forthwith sent to the said Francis Lord Bishop of Rochester, and deliver'd to him by the Serjeant at Arms attending this House.

2dly, That Mr. Attorney-General and Mr. Solicitor-General, do take Care that the Evidence against the said Francis Lord Bishop of Rochester, be ready to be produc'd to this House, upon Thursday Seven-night.

3dly, That the said Francis Lord Bishop of Rochester be allow'd Pen, Ink, and Paper. After this, a Bill for appointing one Commission of the Customs in Great Britain, and for better securing the Duties on Tobacco, and to prevent Frauds in exporting Tobacco, or carrying the same Coastwise, was read the first, and order'd to be read a second Time. The same Day, the King came to the House of Lords with the usual State and Solemnity, and the Commons being sent for up, and attending, his Majesty gave the Royal Assent to the following publick Bills, viz.

1st. An Act for reviving and adding two Millions to the Capital Stock of the South-Sea Company, and for reviving a proportional Part of the Yearly Fund payable at the Exchequer, and for dividing their whole Capital (after such Division made) into two equal Parts or Moieties; and for converting one of the said Moieties into certain Annuities, for the Benefit of the Members, and for settling the remaining Moiety in the said Company; and for continuing for one Year longer the Provision formerly made against requiring special Bail in Actions or Suits upon such Contracts as are therein mention'd.

2. An Act for redeeming certain Annuities now payable by the Cashire of the Bank of England, at the Rate of 5 l. per Cent. per Annum.

3. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

4. An Act for amending the Laws relating to the Settlement, Employment, and Relief of the Poor.

5. An

5. An Act for clearing, depthning, repairing, extending, maintaining, and improving the Haven and Piers of Great-Yarmouth, and for depthning and making more navigable the several Rivers emptying themselves at the said Town; and also for preserving Ships wintering in the said Haven, from Accidents by Fire.

6. An Act for better qualifying the Manufacturers of Stuffs and Yarn in the City of Norwich and Liberties thereof, to bear Offices of Magistracy in the said City, and for regulating Elections of such Officers.

7. An Act for continuing some Laws, and reviving others therein mention'd, for exempting Apothecaries from serving Parish and Ward Offices, and upon Juries, and relating to Jurors, and to the Payment of Seamen's Wages, and the Preservation of Naval Stores, and Stores of War; and concerning the Militia and Trophy-Money; and against clandestine Running of uncustom'd Goods, and for more effectual preventing Frauds relating to the Customs, and Frauds in mining Silk with Stuffs to be exported.

8. An Act for repairing and widening the Road leading from the Black Bull in Dunstable in the County of Bedford, to the Way turning out of the said Road up to Shafford-house in the County of Hereford.

And to five private Acts. And then the Commons being return'd to their House, made an Order, importing, That Mr. Speaker do, on or before the Feast of the Annunciation of the blessed Virgin Mary, now next ensuing, give or leave Notice in writing at the Office of the Governor and Company of the Bank of England, that this House will, at the Feast of the Annunciation of the blessed Virgin Mary, 1724, redeem the Annuities amounting to 1573 *l.* 13 *s.* and 8 *d.* per Annum, payable after the Rate of 5 *l.* per Cent. for a Capital Stock amounting to 31473 *l.* 13 *s.* and 4 *d.* by Virtue of certain Clauses contain'd in an Act of Parliament of the first Year of his Majesty's Reign in that Behalf.

March 23. A Bill for the more easy assigning and transferring certain redeemable Annuities payable at the Exchequer, &c. was read the second Time, and committed to a Committee of the whole House; after which, a Petition of George Kelly, Clerk, Prisoner in the Tower of London, was presented to the House and read, praying that he might be heard by himself and Counsel against the Bill for inflicting certain Pains and Punishments upon him, before the same should pass into a Law; and that this House should assign Sir Constantine Phipps, and Mr. Serjeant

Jeant Darnell, for his Counsel, and Mr. *Hugh Watfon*, for his Solicitor; and that they might have free Access to him, to receive his Instructions in private; and that he might have the Summons of this House, for such Witnesses as he should think necessary: The Prayers of this Petition, the last of all excepted, were granted; and thereupon it was order'd, That the said *George Kelly* be allow'd Counsel at the Bar of this House, in Order to make his Defence; that Sir *Constantine Phipps*, and Mr. Serjeant *Darnell*, be allow'd to attend the said *George Kelly*, and advise him as Counsel; that Mr. *Hugh Watfon* be allow'd to attend the said *George Kelly*, for his Solicitor; that the said *George Kelly* have Liberty to advise with his Counsel and Solicitor in private. And that the Serjeant at Arms attending this House, should acquaint the said *George Kelly* with the said Orders. Then it was mov'd and resolv'd, that the Examinations of *Christopher Layer*, *John Plunket*, *George Kelly*, and *Dennis Kelly*, taken before a Committee of this House, be deliver'd to the Lords, at a Conference, which was done accordingly the same Day.

On the 25th of March, the Commons order'd their House to be call'd over upon the Thursday Evening following; and then Mr. Speaker acquainted the House, That he had that Morning receiv'd a Letter from the Lord Bishop of *Rochester*, dated, *Tower, March the 23d, 1722*; that his Lordship having receiv'd a Copy of a Bill for inflicting certain Pains and Penalties upon him, for suppos'd Crimes of which he was innocent, he hop'd he should be allow'd to have Sir *Constantine Phipps*, and *William Wynne*, Esq; for his Counsel, and Mr. *Joseph Taylor*, and Mr. *William Morrice*, for his Solicitors to assist him, in Order to the making his Defence; and that they might have free Access to him to receive his Instructions, and give him their Advice in private. Which was granted, and thereupon it was order'd, that Sir *Constantine Phipps*, and *William Wynne*, Esq; be allow'd *Francis Lord Bishop of Rochester*, for his Counsel, and Mr. *Joseph Taylor*, and Mr. *William Morrice*, for his Solicitors to assist him, in Order to the making his Defence; and that the Lord Bishop of *Rochester* have Liberty to advise with his Counsel and Solicitors in private. Then Mr. *Farrer* from the Committee of the whole House, on Ways and Means to raise the Supply, reported the Resolution they had come to some Days before, viz. that instead of the Duties *ad Valorem*, now payable for bound Books imported,

ported, such bound Books be charged with a Duty after the Rate of 14 s. per Hundred Weight, and that the said Duty be applicable to the same Uses, as the said Duties *ad Valorem*, were applicable: Which Resolution was agreed to, and order'd to be inserted in the *Bill for Encouragement of the Coinage of Money, &c.* After this, in a Committee of the whole House, the Commons went through the *Bill for the more easy assigning and transferring certain redeemable Annuities, payable at the Exchequer, &c.* and made several Amendments thereto, which being the next Day reported, and agreed to, the said Bill was order'd to be ingross'd.

The same Day (March 26.) the Commons order'd, that Mr. Attorney-General do appoint Counsel learn'd in the Law, to produce and manage the Evidence at the Bar of this House, on the 28th, to make good the Allegations of the Bill, for inflicting certain Pains and Penalties upon *John Plunket*. Then Mr. Godfrey reported from the Committee, to whom the Petition of the Master, Wardens, and Commonalty of the Mystery of Cordwainers of the City of London, and other Masters using the same Art and Mystery, was committed, the Resolutions of the Committee thereupon; and he read the Report in his Place, and afterwards deliver'd it in at the Table; where the same was read, and the Resolutions were agreed unto by the House, and are as follow, viz. 1st. That great Frauds and Abuses are committed by Journeymen Shoemakers in and about the Cities of London and Westminster, Borough of Southwark, and Parts adjacent, by selling, pawning, and exchanging Leather, and other Materials deliver'd to them by their Masters, to work up into Boots, Shoes and Slippers, to the great Loss and Discredit of the said Masters. 2dly, That the Pawnbrokers of London and Westminster, Borough of Southwark, and Parts adjacent, give great Encouragement to the said Journeymen to defraud their Masters, by buying, changing, or lending Money to Journeymen on Shoes, cut Leather, or other Materials for making Boots and Shoes. 3dly, That Pawnbrokers and Journeymen Shoemakers ought to be restrain'd from the like Practices for the future: And then, a Bill was order'd to be brought in, for preventing Journeymen Shoemakers selling, changing or pawning Boots, Shoes, Slippers, cut Leather, or other Materials for making Boots, Shoes, or Slippers, and for better regulating the said Journeymen. After this, at the Desire of the Commons, two Conferences were held in the

*Painted Chambers*, between Managers of both Houses ; at the first of which Mr. *Pulteney*, in the Name of the Managers for the Commons, acquainted the Lords, that the Bill for inflicting certain Pains and Penalties upon *John Plunket*, being to be read a second Time upon the Thursday next following, the Commons would have Occasion for the original Letters and Papers deliver'd to their Lordships at a former Conference, and therefore desir'd to have the said Letters and Papers return'd to them, and that they should be again deliver'd to their Lordships, as soon as the Commons could conveniently spare them. The Lords readily comply'd with the Desire of the Commons, and at another Conference, deliver'd to their Managers the Trunk containing the said original Letters and Papers, which was order'd to be deliver'd to Mr. Speaker.

*March 27.* The Commons order'd the same Trunk to be deliver'd to Mr. Attorney-General ; and then, the ingross'd Bill for the more easy assigning or transferring certain redeemable Annuities payable at the Exchequer, &c. was read the 3d Time, amended, pass'd, and sent up to the Lords. Then a Petition of *George Kelly*, Clerk, Prisoner in the Tower of London, was presented to the House, and read, praying, that the second Reading of the Bill for inflicting certain Fines and Penalties upon him, might be put off 'till April 8 ; and that the Depositions upon Oath, of Mr. *Michael Birmingham*, Surgeon, and Messieurs *Bask* and *Borgonio*, Merchants, who resided at Paris, to be taken before a publick Notary, or before some or one of the British Residents there, and also the Deposition of Mr. *Gordon*, Banker at Boulogne in France, to be taken upon Oath before the chief Magistrate of the said Town, or a Publick Notary there, might be admitted to be read at the Bar of this House, as Evidence for the Petitioner. Mr. *Hungerford*, Sir *William Wyndham*, Mr. *Palmer*, and Mr. *Shippen*, spoke in Behalf of this Petition ; but being answer'd by Mr. Chancellor of the Exchequer, the Master of the Rolls, and Sir *William Thompson*, Recorder of the City of London, it was carried, without dividing, that the said Petition be rejected.

It appear'd a few Days after, that the Commons had good Reason not to admit of such precarious Evidence as might be procur'd by Mr. *Kelly* from beyond Sea. For on Saturday the 20th of March, *Anthony Sanderfon* of St. Margaret's Westminster, Gent. came voluntarily before the



the Lord *Cartaret*, and made Oath, that *Roger Garth*, of *Hammer-smith*, Master of the *Dove Sloop*, came to this Deponent at the *Tennis-Court Coffee-House* at *Whitehall*, on the 29<sup>th</sup> of *March*, about twelve of the Clock, and told him, that being bound for *France*, and intending soon to proceed on his Voyage, several Persons had made Application to him to carry Letters thither, but that he, *Roger Garth*, apprehending such Letters might be in Order to carry on a traiterous Correspondence against the Government, and he be brought into Trouble, did therefore come to this Deponent to ask his Advice in this Matter; who told him, those Letters might be of Service to the Government, provided he would bring them to this Deponent; and advis'd him to receive the same. That thereupon, about five of the Clock in the Afternoon, the said *Garth* did deliver to this Deponent two Letters; one directed To the Reverend Father *Grams Capucin*, *Boulogne*, and the other, a *Monsieur Gordon Banquier* a *Boulogne*. That this Deponent went with these Letters unopen'd, as he had receiv'd them from the said *Mri Garth*, to the Right Honourable the Lord *Cartaret's* House in *Arlington-street*, about nine of the Clock at Night, and deliver'd the said two Letters into his Lordship's own Hand; which Letters the said Lord *Cartaret* open'd in this Deponent's Presence, and the said Deponent, by his Lordship's Direction, did write his Name on the said Letters, as also on the Papers enclos'd.

This was confirm'd by the voluntary Deposition of *Roger Garth*, Master of the *Dove Sloop*, who added, that he receiv'd the Letters abovemention'd from the Hands of a Servant to Mr. *Aikenhead*, a *Scotch Gentleman*, who came over some Time before in his Sloop from *Boulogne*; that the said Servant told him, he brought these Letters to him from his Master, and desir'd him to be as expeditious with them as he could. That the last Time he saw Mr. *Aikenhead* at the new Coffee-House over against the *Mercer's-Gate*, the said *Aikenhead* propos'd to him to carry over a Passenger, whom he must take particular Care of, without naming him; and that *Aikenhead* told him, he had something else of Consequence, which should be deliver'd to him by his Servant, to send over to *France*, and recommended great Secrecy and Expedition to him, promising him a handsome Reward. That one Mr. *Smithen*, whom he saw about two Months before at *Boulogne*, did apply to him several Times to carry over Letters, when he, the said *Smithen* was in *England*, which was about

three Months before; that of late this Depoſant did ſuſpect the ſaid *Aikenhead* and the ſaid *Smitten* to be carrying on a Correſpondence againſt the Government, and upon that Account, he (*Garth*) did acquaint Mr. *Anthony Saunderſon* with what is above mention'd. That he knew *Gordon*, the Banker at *Boulogne*, and had good Reaſon to believe him to be an Agent of the Pretender and his Adherents; and that he knew ſeveral Perſons at *Boulogne*, who went by counterfeit Names.

The Letter directed, *A Monsieur Gordon, Banquier a Boulogne*, was dated, *London 20 March, 1723*; and is as follows:

Dear Sir,

I Write a Note by one who I ſuppoſe has already paſſed your Way, upon the ſame Subject with the en-  
 clos'd Note: I hope, you have before this, writ for what is requiſite from *Birmingham* at *Paris*, and I may expect both ſoon. The enclos'd is the Copy of a Note from the Perſon concern'd, with the Subſtance of what he thinks requiſite. I imagine that yours and *Sandie's*, might be in one, without mentioning the Chriſtian Names, only *Messieurs Gordon, Pere & Fils les Banquiers unique de ce nom a P.* If *Baſque* and *Boargignon*, who are ſaid to have been preſent at the Delivery, would likewiſe make Faith as Witneſſes, and *Birmingham* as Maker of the Preſent, it would do well; but all this muſt be done without Loſs of Time, or it will be too late. Yeſterday, there were two brought into the Houſe of Commons, for Pains and Penalties againſt *Bunker*, and *George Kelly*. So that his Hearing at the Bar of that Houſe will be very ſoon. I am ſure you will omit nothing on your Part to ſerve ſo worthy a Man; beſides a great deal more will probably depend upon it. I beg once more, dear Sir, that nothing may be neglected that can be done, and with the utmoſt Expedition. Pardon this Trouble, I ſhall long to hear from you ſoon.

I am entirely

Yours.

My kind Complements to your Family.

If it were known here, what Family *Baſque* and *Boargignon* were of, it would do more Hurt than Good. Friends at *Paris* muſt judge of that.

The

The two following Draughts of Certificates were enclosed in the foregoing Letter directed to *Monsieur Gordon Banquier a Boulogne.*

**A.** G. Banquier in B came this Day before me (for us) and voluntarily made Oath upon the Holy Evangelists, that he never receiv'd a Letter from *George Kelly*, alias *Johnston*, now a Prisoner in the Tower of London, or writ to him either by his own or any other Name, and never had the least Dealing or even Acquaintance with him, the said *Kelly* alias *Johnston*: And whereas the said Deponent is inform'd, that the said *Kelly* alias *Johnston*, is charg'd with the sending of a treasonable Packet of Letters about the 23<sup>d</sup> of April, 1722, to him the said Deponent, in order to be deliver'd to a tall black Man, suppos'd to be one *Mr. Jam. Talbot*, with a Letter of Recommendation sign'd *Jam. Johnston*: This Deponent further declares, that he never receiv'd any such Packet from *George Kelly*, alias *Johnston*, neither did he see the said *Jam. Talbot*, as he went thro' *Ed.*

**M. B.** Surgeon at *Paris* came this Day before us, and voluntarily made Oath upon the Holy Evangelists, that some Time in March, 1722, or thereabout, *George Kelly* alias *Johnston*, now a Prisoner in the Tower of London, being then in this City, did speak to the Deponent to procure him a little Dog to carry as a Present to a Lady in London; that this Deponent did accordingly receive such a Dog from one *Monsieur* — one of his Patients, and deliver'd the said Dog to the said *Kelly* alias *Johnston*, at his Lodgings, in the Presence of two French Persons call'd *Basque* and *Burgonte*; who were at that Time in his Chamber; and whereas this Deponent is inform'd, that it is alledg'd against the said *Kelly* alias *Johnston*, that the said Dog was design'd and sent to L. M. as a Present to the B. of R. He the said Deponent does further declare, that the said Allegatione is false and groundles, and that the said Ld. M. knew nothing at all of the said Dog, and that the said Deponent never design'd him for the B. of *Rocheſter*, but for the said *Kelly*, and whomsoever he thought fit to give him to.

By these Means the Agents of the Conspirators expected to take off that Part both of the positive and conjectural Evidence mention'd in the Report of the Secret Committee,

mittee, which particularly affected the Lord Bishop of *Rochester*; but the said Letter and Affidavits therein enclosed, falling into the Hands of the Government, had a quite contrary Effect.

On the 28th of *March*, the Bill for inflicting certain Pains and Penalties upon John Plunket, was according to Order read a second Time; and tho' Mr. Plunket did not think fit to make any Defence, yet the Commons proceeded, and the Counsel for the Bill produc'd Extracts of several original Letters from abroad, giving Intelligence of the Conspiracy and the Translations of the said Extracts were read. A Copy of a Letter stopp'd at the Post-Office, being produc'd by the Counsel for the Bill, and Part of it being in Cypher, the Decyphers were examin'd, and the Officer of the Post-Office, who copy'd the said Letter from the said Original which was sent forward, was also examin'd. The Counsel being directed to withdraw, some Objections were rais'd against such precarious Evidence, but, after some Debate, it was resolv'd, without dividing, that the Copy of the said Letter stopp'd at the Post-Office, be admitted to be read as Evidence. Then the Counsel being call'd in, the said Copy was read, and the Counsel proceeded to examine several Persons in Relation to other Letters, stopp'd in like Manner, and also to several original Papers and Letters in the Hand-Writing of John Plunket; and Matthew Plunket, Serjeant of Invalids, was examin'd as to Discourse between him and John Plunket, in Relation to the Conspiracy, and then the Counsel produc'd a Letter, said to be writ by the Pretender, to John Plunket, when he was at *Rome*; and some Witnesses were examin'd in Relation to the said Letter, which was read; and in particular Mr. De la Faye was examin'd as to the Authentickness of the Examinations and Declarations of Philip Neynoe, Clerk. The Counsel having summ'd up the Evidence, and being withdrawn, Mr. Speaker open'd the Bill, and then the Question being put, That the said Bill be committed to a Committee of the whole House, the same was carry'd without dividing.

*March 29.* The Commons order'd, 1st, That Mr. Attorney-General do appoint Counsel learn'd in the Law, to produce and manage the Evidence at the Bar of the House, on Monday next, to make good the Allegations of the Bill for inflicting certain Pains and Penalties, upon Geo. Kelly alias Johnson. 2. That the said George Kelly be heard by his Counsel, against the said Bill, at the same

same Time. 3. That George Kelly, Prisoner in the Tower of London, be brought to the Bar of this House on Monday next. 4. That a List of the Witnesses for George Kelly, be deliver'd to Mr. Speaker. 5. That Mrs. Jane Barnes, Mr. Edward Bingley, John Mladne, and William Wood, do attend this House on Monday next. Then, a Bill for explaining and making more effectual several former Acts concerning the building or repairing County Goals, was read a 2d Time; but a Motion being made, and the Question put, that the said Bill be committed, it pass'd in the Negative. After this, the Commons went into grand Committee upon the Bill for inflicting certain Pains and Penalties upon John Plunket. Mr. Onslow being plac'd in the Chair, several Letters and other original Papers, prov'd by several Witnesses to be Mr. Plunket's Hand-Writing, were read, as were also a Letter from the Pretender, and several other Letters from General Dillon to Plunket; all which clearly evincing, that he had a principal Share in the contriving and carrying on of the Conspiracy; Mr. Miller mov'd, that the Pains and Penalties, for which a Blank was left in the Bill, might extend to Death; urging, that in his Opinion, there was sufficient Proof to convict him of High Treason, even in Westminster-Hall. He was seconded by the Lord Middleton, Sir John Rushout, Mr. Clayton, Mr. Sondes, Mr. Walter Chetwyn, Mr. John Chetwyn, Sir Wilfred Lawson, and many others; but they they were oppos'd by Mr. Chancellor of the Exchequer, Mr. Horace Walpole, Mr. Thomas Broderick, and Sir Joseph Jekyl, who, among other Reasons, alledg'd, that the filling up the Blank with Death, would be a Kind of Deceit put on the the Prisoner, because a Bill for Pains and Penalties, was generally understood not to reach Life, and that it was to be suppos'd, the Prisoner took it in that Sense, otherwise he would have made some Defence. The Members who were for Death, seeing the Courtiers of a contrary Opinion, would not divide the House; and then Mr. Attorney-General mov'd, That the Pains and Penalties might be Imprisonment in some Part of Great Britain, during the Pleasure of his Majesty, his Heirs and Successors, Forfeiture of his Estate, and that his Attempting to make, or others favouring his Escape, be made Felony; and the Question being put thereupon, was carry'd in the Affirmative by 280 Voices against 91.

March

March 30. Mr. Onslow reported the House the Amendments made in a grand Committee, which being agreed to, the said Bill with the Amendments was order'd to be ingross'd.

On the first of April, the Commons being acquainted, that Mr. Serjeant Darnell had declin'd appearing at the Bar of their House as Counsel for George Kelly alias Johnson, Clerk, being engag'd in Business at the Assizes in Suffex, it was order'd, that Petriplac Nota, Esq. be allow'd to be Counsel for the said George Kelly, instead of Mr. Serjeant Darnell. Then Mr. Chancellor of the Exchequer acquainted the House, that several Papers relating to the Matter, upon which the House was to proceed that Day, having come to the Hands of the Lord Cartaret, one of the Principal Secretaries of State, his Majesty had directed, that they should be laid before this House; and thereupon, Mr. Walpole deliver'd to Mr. Speaker the abovemention'd Letter, directed to Mr. Gordon, Banker, at Boulogne, with Draughts of two Affidavits inclos'd, and the Depositions of Mr. Sanderson, and Roger Garth; which were order'd to be printed. Then the Order of the Day being read, for the second reading of the Bill for inflicting certain Pains and Penalties upon George Kelly alias Johnson; it was order'd, That the said Bill be read to the Prisoner and the Counsel, whilst they were at the Bar. Then the Prisoner was brought in, and the Counsel for and against the Bill were call'd in, and the Bill was read in the Presence of the Prisoner and Counsel. And the Counsel for the Bill open'd the Evidence, and produc'd a Scheme taken among Mr. Layer's Papers, which was read; and afterwards produc'd a Copy of a Letter written in Cypher, stopp'd at the Post-Office. And the Counsel against the Bill objecting to the reading the said Letter as Evidence; the Counsel on both Sides were heard thereto. And then the Prisoner and Counsel being withdrawn, after some Debate, it was resolv'd, That the Copy of a Letter written in Cypher, and stopp'd at the Post-Office, and copy'd by the Officers of the said Office, the original Letter being sent as directed; and the said Copy being decypher'd, and testified by the Decyphers to be truly decypher'd, be admitted to be read as Evidence.

And the Prisoner and Counsel were call'd in; and Mr. Speaker acquainted them with the said Resolution.  
And

And the said Copy was read. A Paper of *John Plunket's* Hand-Writing, taken in his Lodging, being offer'd as Evidence by the Counsel for the Bill; and it being objected to by the Counsel against the Bill, the Counsel on both Sides were heard thereto. Then the Prisoner and Counsel withdrew, and after Debate it was resolv'd,

That a Paper in *John Plunket's* Hand-Writing, taken by one of his Majesty's Messengers, when the said *Plunket's* Lodgings were search'd, and his Papers seiz'd, be brought up to the Table. And the Prisoner and Counsel were call'd in, and the said Paper was brought up.

The Copy of a Letter, dated *London, May 31, 1722*, (sign'd *J. Rogers*) stopp'd at the Post-Office, being offer'd to be read by the Counsel for the Bill; and the same being objected to by the Counsel against the Bill, as not being examin'd with the original Letter by the Clerk who copy'd the said Letter; the Counsel on both Sides were heard thereto.

And then the Prisoner and Counsel being withdrawn, after Debate, it was resolv'd,

That the Copy of a Letter, dated, *London, May 31, 1722*, sign'd *J. Rogers*, stopp'd at the Post-Office, and copy'd by one of the Officers belonging to the said Office, the original Letter being sent as directed, be admitted to be read as Evidence.

And then the Prisoner and Counsel were called in.

And the said Letter was read, as was also another Letter, dated, *June 21, 1722*.

An Examination of *Philip Neynoe*, (who in endeavouring to make his Escape out of the Custody of a Messenger, was drown'd) was offer'd by the Counsel for the Bill, to be read, and the same being objected to by the Counsel against the Bill, the Counsel on both Sides were heard thereto. And then the Prisoner and Counsel being withdrawn, after a long Debate, it was resolv'd, That the Examination of *Philip Neynoe*, deceas'd, taken before a Committee of Lords of the Council, the twenty-seventh of *September, 1722*, be admitted to be read as Evidence: And the Prisoner and Counsel being call'd in, the said Examination was read, as were also several other Copies of Letters stopp'd at the Post-Office, some intercepted going to foreign Parts, and others intercepted coming from foreign Parts, and a printed Decla-

ration of the Pretender's, intercepted coming from *France*, and an original Letter intercepted coming from *France*; and then the Prisoner and Counsel were directed to withdraw: After which, it was resolv'd, That this House would proceed the next Morning, in the further hearing of Counsel for and against the Bill for inflicting certain Pains and Penalties upon *George Kelly* alias *Johnson*.

On the 2d of *April*, Mr. Chancellor of the Exchequer acquainted the House, That several Examinations relating to the Matters now before the House, having been taken before one of his Majesty's Principal Secretaries of State, his Majesty had directed that they should be laid before this House, together with two Letters refer'd to in some of the said Examinations, which he deliver'd to Mr. Speaker, viz. The Examinations of *Philip Carryll*, Esq; twenty-seventh and twenty-ninth of *March*, 1723. A Letter sign'd *Fra. Philips*, dated from the *Royal Oak*, Oct. 2. A Letter to *Philip Carryll*, Esq; dated the 10th of *March*, 1723. The Examinations of *William Beasing*, *March*, 22d, 23<sup>rd</sup>, and 27th, 1723. The Examination of *Thomas Yalden*, D. D. taken the 31st of *March*, 1723.

In the first Examination *Philip Carryll* of *North* in the County of *Southampton*, Esq; depos'd upon Oath, That Sir *Harry Goring* being at the Examinant's House, about the 20th of *August* last, sent for Mr. *Kelly* alias *Johnson*, down into the Country, and propos'd to the said *Kelly* the going beyond Sea with him, as understanding the Language, which Sir *Harry* does not; that the said *Kelly* excus'd himself, as being under Bail, but said, he would go to Town to talk with those who were bound for him; and accordingly, the said *Kelly* went up to *London*, and came down again a Day or two before Sir *Harry* went away, which was on the 23d or 24th of *August*; the Examinant denies having seen the Lord *North* and *Grey* about that Time, 'till he saw him at Mr. *Boyce's* at *Stokes Bay*. Being confronted with *William Beasing*, who not only insisted upon what he said in his former Examinations, of the Examinant's being at his House in Company with a Person that wants a Hand, but nam'd the very Room in which they were, he still denies it. Being shewn a Letter, taken in his Lodgings at *Goring-Lee*, dat'd, from the *Royal Oak*, Oct. 2. sign'd *Fra. Philips*, he said it came from the abovemention'd *George Kelly*, who wrote it from the *Royal Oak* at *Fox-Hall*.



*Fox-Hall.* Being likewise shewn another Letter, directed to the Examinant at *North*, dated *March 10, 1723*, and without any Name at Bottom, he own'd it came from *Sir Harry Goring*. Being ask'd to explain several Passages in *George Kelly's* said Letter, he said, he did not know the Meaning of them, only that he believ'd the Friend *Frank* therein mention'd, was *Mr. Francis Macnamara*; but desires Time to recollect.

The second Examination of *Philip Carryll, Esq.* was as follows:

HE said, that about four Months before *Sir Harry Goring* went off for *France*, who went in *August* last, he told the Examinant, there was to be an Invasion; that the Duke of *Ormonde* was to come from *Spain*, and to bring with him some Officers; that he was to land towards *Bristol*, and he was also to bring Arms; that the said *Sir Harry* was to be a Lieutenant-General, and had or was to have a Commission for it, but the Examinant never saw it: That the Lord *Lansdown* was to come to *Cornwall*; that the said *Sir Harry* also told the Examinant, he us'd to visit the Bishop of *Rocheſter*, and that once talking of Affairs, (as the Examinant supposes relating to the Pretender) and Difference of Opinions arising between them, the said *Sir Harry* said these Words to the Bishop, *This is rocking the Cradle indeed*; (which this Examinant understood to be reproaching the Bishop for some dilatory Proceedings) upon which (as the said *Sir Harry* told the Examinant) the Bishop took him by the Collar: The Examinant further says, that he has seen a Letter directed to the said *Sir Harry Goring*, by the Name of *Hore*, which the said *Sir Harry* own'd was for himself; that when *G. Kelly* was down at the Examinant's House with *Sir Harry Goring* beforenam'd, about the Time he went off, as above mention'd, he, the said *Kelly*, together with the said *Sir Harry*, and the Examinant, din'd at *Mr. Lewis's* at *Soberton*, but the Examinant believes the said *Lewis* did not know who the said *Kelly* was; and that they, viz. *Sir Harry Goring*, the Examinant, and *Kelly*, also din'd at *Dr. Yalden's*, at *Clayfield*; that it is very probable, *Mr. Tucker* of *Woodhouse* was with them at *Dr. Yalden's*, but the Examinant cannot be positive; that the said *Kelly* had about him an Account of his Examination before the Lords of the Council, which was

read ; that the said *Kelly* was writing at the Exam-  
 inant's House almost a whole Day before the said Sir *Har-*  
*ry Goring* went off, and the Examinant has Reason to  
 believe, they were settling together a Key, by which  
 they might correspond. The Examinant being ask'd to  
 explain some Passages in the said *George Kelly's* Letter to  
 him, mention'd in his former Examination, says, that  
 by the Name (*Robert Johnson*) mention'd in the said  
 Letter, is meant the Lord *North* and *Grey*, the Letter  
 being written soon after his Lordship was taken up ;  
 that by the other Lawyer is meant Sir *Harry Goring*,  
 who was then absent out of the Kingdom, and that  
 the Postscript, wherein Notice is taken of the Exam-  
 inant's Advice to one sent about a Mortgage, has Re-  
 ference to this Passage, That the said *Kelly* had, be-  
 fore the writing of the said Letter, sent to him a French  
 Man, one Captain *Bonin*, with a recommendatory Let-  
 ter, whose Business, as the Captain told the Examinant,  
 was, that he had a Servant to send away beyond Sea ;  
 and the said Captain Enquir'd of the Examinant how  
 he should get a Passage for him ; which Man, who came  
 with the said Captain *Bonin*, under the Notion of a Ser-  
 vant, the Examinant has since Reason to apprehend, was  
*Sample* ; for that after the said Man was gone from the  
 Examinant's House, Mr. *Boyce* of *Stokes Bay*, told this Ex-  
 aminant, that he had observ'd he was disguis'd, and that  
 he answer'd the Description of *Sample*, in the Proclama-  
 tion, or Words to that Effect. Being ask'd how the said  
*Boyce* came to tell him so, the Examinant says, that  
 he had, at the Request of the said Capt. *Bonin*, sent his  
 own Servant with the said Man to the said *Boyce*, to get  
 him off.

*The Letter dated from the Royal Oak, Oct. 2. was as fol-  
 lows :*

*Sir,*

I Would have acknowledg'd the Favour of your last  
 before now, but expected by a little Stay, to be  
 able to give you a more perfect Account of your Bu-  
 siness ; but am disappointed in this, as well as in  
 some other Things. You hear and know what is  
 become of our Friend *Robert Johnson* ; and from our  
 other Lawyer I have never heard a Syllable since you  
 and I were with him, which you will say is pretty  
 surprizing.

surprizing, and am afraid very detrimental; but those Things must be born with Patience.

We have no News but what you have in the publick Papers. The two Lords, lately committed, are confin'd very close, and the Lord North very ill treated as to his Lodgings in the Tower: A great many others are talk'd of, which a little Time will clear up; when any thing new happens, you may expect to hear from me, and don't know but a little Affair of my own may carry me soon to Winchester; if it does, I propose to pay my Respects to you. Your Friend Frank and I, are drinking your Health, and gives you his Service. I am with Respect and Sincerity,

Sir,

Your most obediant humble Servant,  
Fra. Philips.

I am heartily sorry your Advice was not follow'd by the Person I recommended to you about the Mortgage.

For Philip Caryll, Esq; at North, near Petersfield in Hampshire.

per London.

Angleterre.

Dear Sir,

March 10, 1723

THIS long since I had the Pleasure to hear from you (at least four Months) which gives me some Concern; however, I shall always be mindful of all Things which relate to your Ease and Happiness. I have had no little Trouble in getting your Debt sign'd by your Brother; now that is done, you'll see by the enclos'd, there is still more to be done, and the Distance I am at from Paris, makes it yet difficult; but I hope to get it perfected as soon as the Nature of the Thing will allow it, which I beg you will let Mr. Tucker know as early as possible, with my humble Service to him. I am glad to see your Brother has writ with so much Affection towards you, and I cannot but say, his Advice is good, tho' I may be (you'll think) leaning to that Advice out of Inclination, for indeed if you come over, I shall be tempted to settle where you are; but this Affair you are best Judge of. Pray when you do me the Favour to write to me, let me hear a little Country News, for I have not heard one Word

‘ Word of any Body since I left *England*. Some People, I suppose, may be in Distress, but that they may thank themselves for; and to tell you the Truth, I found out some Things which I did not speak of, in Relation to them, &c.

*The first Examination of William Beasing, Victualler, of Horndean in Hampshire.*

**T**HIS Examinant saith, that some Time in *August*, or *Sept.* last, the Day he doth not particularly remember, Mr. Carryl, Sir Harry Goring, and a Gentleman who had lost one of his Hands, came from Mr. Carryl’s House, which is at a Place call’d *North*, and din’d at this Examinant’s House; that there likewise din’d with them, Mr. Tucker of *Woodhouse*, and one call’d *Farmer Port*. Soon after Dinner, Mr. Tucker, and ——— *Port*, went away, but the rest of the Company staid longer, and when they left his House, took the same Road back, as they came in the Morning; but he, the said Examinant, does know whither they went. That about a Week after Sir H. Goring sent for this Examinant to Mr. Carryl’s, where there was, as this Examinant believes, a great deal of Company, having heard so from some of the Servants, and seeing the Preparations of a great deal of Victuals. This Examinant being ask’d, whether he did not hear the Names, or know any of the Company which were there; he answers in the Negative; saying, that he had no Opportunity of informing himself, because Sir H. Goring, as soon as he heard this Examinant was there, came out to him, and order’d him to carry a vast large Trunk, which the said Sir Harry had sent the Day before to his House, according to the Direction which was upon the said Trunk, that is, to Mr. Boyce at *Stokes Bay*. But this Examinant did not carry the said Trunk himself, as having only a little Horse and a Cart, and doubting pretty much of Sir Harry’s Pay. But the said Trunk was afterwards sent by Mr. Page of *Portsmouth*’s Waggon, and was deliver’d by Robert Agar, Page’s Servant, to Mr. Boyce’s own Hands, who gave him a Dram of Brandy for his Care, as the said Agar told this Examinant the next Day. That in a Day or two afterwards, this Examinant heard that Sir H. Goring was gone off; and that at first it was whisper’d about that it was for Debt, but after that, it was said publickly, that it was for fear of being taken up.

*The second Examination of William Beasing.*

WHO being ask'd whether he can recollect the Time when Mr. Carryl, Sir Harry Goring, Mr. Tucker, Farmer Port, and the Gentleman who had lost a Hand, din'd at the Examinant's House, as is mention'd in his former Examination taken Yesterday; he says, the most distinct Circumstance, by which he can call to Mind when they din'd at his House, is, that it was soon after the Wheat was in, and when most of the Barley was out, and therefore he takes it to be about the Middle of *August*. Being ask'd, whether he heard what Discourse past between the said Gentlemen at Dinner, he answers in the Negative; for that they did not allow him, or any Servant to attend them, but when they wanted any thing, they call'd, and this Examinant carry'd it in, then he came out instantly and shut the Door after him. Being ask'd, whether their own Servants waited upon them, he says, No, they brought no Servants with them. Being interrogated about the Name and Description of the Gentleman abovemention'd who had lost a Hand; he answers, that he does not remember to have heard his Name, nor does he recollect any particular Appellation by which the Company call'd him; and what made him take Notice of the said Gentleman, was, that he screw'd into something fastened to the Stump of his Arm, an Iron Thing, with which he help'd himself at Dinner: That he never saw the said Gentleman but that once, and does not know whether he made any Stay at Mr. Carryl's House at North, or elsewhere in that Neighbourhood. Being ask'd, what the above-nam'd Tucker is, he answers, that he is Steward to some great Man that lives in the *West*; but who that great Man is, the Examinant does not know; and that the House in which the said Tucker lives at *Wood-house*, belongs to the Lord *Dormer*.

*The third Examination of William Beasing.*

WHO being acquainted with what John Port had said on his Examination, who denies that the Person with one Hand, din'd with Sir H. Goring, at the same Time, when the said Port was there, says, upon recollecting, that he is not certain that the said Person with one Hand din'd there at that Time, but he is very sure

sure that he din'd with Sir *H. Goring*, and Mr. *Caryll* at his House, between that Day, and the Day when Sir *H. Goring* sent for this Examinant to take Care of his Trunk, as mention'd in his Examination of the 23d Instant. This Examinant being confronted with Mr. *Caryll*, insists upon his having seen the Person who wanted a Hand in his, the said *Caryll's* Company, and says, it was at the said Examinant's House, in the little Par-  
lour; that the Company brought a cold Fowl with them, and the Examinant saw the Person with one Hand help himself, having screw'd something into his Stump.

*The Examination of Thomas Yalden, Doctor of Divinity, was as follows :*

Being ask'd, whether the Lord *North* and *Grey* was in their Part of the Country last Summer before he was taken up; he says, he heard by common Report, that his Lordship was at *North*, Mr. *Caryll's* House, as he went to the *Isle of Wight*, where he was seiz'd. Being ask'd, if he has seen Mr. *George Kelly*; he answers, that the first Time, he, the Examinant, saw him, was at his, the Examinant's own House, some Time in *August* last; that the said *Kelly* was brought to dine with him, by Sir *H. Goring*, and Mr. *Caryll*; that the next Day, the Examinant din'd in Company with the said *Kelly*, at the above nam'd Mr. *Caryll's*; that before Dinner, the Examinant asking Mr. *Caryll* after the Gentleman who had din'd with this Examinant the Day before, Mr. *Caryll* answer'd, he was busy, writing Letters; that Dinner was upon Table some Time before the said *Kelly* came down, and that he went up again before Dinner was ended; that the said *Kelly* appear'd very penfive, and not much to enter into the Conversation. Being ask'd, whether Mr. *Kelly* above nam'd, did not, when he din'd at this Examinant's, give an Account of what pass'd at his Examination some Time before, when he appear'd before the Lords of the Council, the Examinant desires that any Mention was made of it. Being ask'd, whether he has not heard of *Sample's* passing their Way, when he made his Escape; this Examinant says, he has heard that the said *Sample* came through the Country, through *Petersfield*, behind a Gentleman's Chariot; that he, the Examinant, has heard, the said *Sample* was at *North*. Being ask'd, whether he ever heard

Sir

Sir *Harry Goring* talk of the intended Invasion, and that the late Duke of *Ormonde* was to come over; he answers, he never did. Being shewn some Verses in his Pocket-Book, containing a villainous and traitterous Libel against his Majesty and the Royal Family; this Examinant denies that they are of his Hand-Writing, or that he ever read them or heard them read before this Time. The Examinant being ask'd, if Mr. *Tucker* of *Woodhouse* was not with the other Company that din'd at his House, as is abovemention'd; he answers, that he believes he might be there, but is not positive. The Examinant being ask'd, if he did not know of the Verses abovemention'd, being in his Pocket-Book; he denies that he knew of their being there.

After the reading of these Examinations and Letters, an Order was made for printing the same. And then, the House proceeded to the further hearing Counsel for and against the Bill for inflicting certain Pains and Penalties upon George Kelly, alias *Johnson*; and the Counsel for the Bill produc'd an original Letter, stopp'd at the Post-Office, and examin'd a Witness to prove it to be Mr. Kelly's Hand-Writing. They also produc'd a Pocket-Book taken from the said Kelly; and offer'd also to produce a Copy of the Conviction of *Christopher Layer*, which was admitted by the Counsel against the Bill. But the Counsel for the Bill offering to produce a Letter laid before the House the Day before, directed to *Monsieur Gordon a Boulogne*, together with the Draughts of two Affidavits enclos'd, that Evidence was objected to by the Counsel against the Bill. Hereupon, the Counsel on both Sides were heard, and the Prisoner and Counsel being withdrawn after some Debate, it was resolv'd, that the said Papers be admitted to be read as Evidences; which being done accordingly, the Counsel for the Bill sum'm'd up their Evidence. Then the Counsel against the Bill were heard, and open'd their Evidence, and examin'd several Witnesses; one to the Character of *Philip Meymo*, deceas'd; and others, to prove that the original Letter stopp'd at the Post-Office, and produc'd by the Counsel for the Bill, was not Mr. Kelly's Hand-Writing; and also examin'd Witnesses to answer other Matters insisted on by the Counsel for the Bill. After they had sum'm'd up their Evidence, Mr. Kelly was heard at the Bar; and the Counsel for the Bill having been heard by Way of Reply, they all withdrew: Mr. Kelly was remanded

*April 9.* Mr. *Gibbon*, from the Committee of Priyileges and Elections, reported the Matter as it appear'd to them, touching the Election for the Borough of *Shrewsbury*, in the County of *Salop*, and the Resolutions of the Committee thereupon, being in Substance, that the Right of Election of Burgeses for the said Borough, is only in the Burgeses inhabiting in the said Borough, or in the Suburbs thereof, paying Scot and Lot, and not receiving Alms or Charity: That *Corbet Kynaston*, Esq; and *Richard Lister*, Esq; were not, and that *Orlando Bridgman*, Esq; and Sir *Richard Corbet*, Bart. were duly elected Burgeses for the said Borough. Then, an ingross'd Bill to inflict certain Pains and Penalties on *Francis Lord Bishop of Rochester*, was read the 3d Time, pass'd, and sent up to the Lords.

On the 10th of *April*, Mr. Speaker was order'd to issue out his Warrant for a new Writ for electing a Burges for the Borough of *Appulby* in the County of *Westmoreland*, in the Room of Sir *Richard Sandford*, Bart. deceas'd. Then the ingross'd Bill for completing the Repairs of the Harbour of *Dover*, &c. was read the 3d Time, and with some Amendments, pass'd, and sent up to the Lords.

The same Day, the King came to the House of Peers, with the usual State and Solemnity, and the Commons being sent for up, and attending, his Majesty gave the Royal Assent to the three following publick Bills, viz.

1. *An Act for the more easy assigning or transferring certain redeemable Annuities payable at the Exchequer, by Indorsements on the standing Orders for the same.*
2. *An Act for the enlarging the Term for repairing certain High Ways in the County of Bucks, &c.*
3. *An Act for continuing the Duty on Ale and Beer sold in the City of Edinburg, &c.*

And to several private Bills, particularly, *An Act for confirming and establishing Articles of Agreement between the most Noble John Duke of Montagu, and William Duke of Manchester, and others, upon a Marriage intended between the said Duke of Manchester, and the Lady Isabella, eldest Daughter of the said Duke of Montagu.*



THE  
*Historical Register.*

NUMBER XXXII.

GREAT BRITAIN.



Having in the two last *Registers*, inserted a large Abstract of the Report of the Secret Committee of the House of Commons, relating to the Conspiracy; and having in the last *Register* (Page 164) taken Notice of a select Committee, appointed by the House of Lords, to enquire into the horrid and detestable Conspiracy, we will now attend the Proceedings of that House on that Affair.

BEfore the *Easter Holy-Days*, their Lordships adjourn'd to the 22d of *April*; when being met again, the Duke of *Dorset*, Chairman of the select Committee, acquainted their Lordships from the Lords Committees, that having consider'd the Matters to them referr'd, they were to make their Report to the House; when their Lordships would be pleas'd to receive the same. Their Lordships having thereupon appointed the next Day, in a full House, the Duke of *Dorset* made the said Report, being in Substance, as follows:

*Abstract of the Report of the Lords Committees, relating to the Conspiracy.*

THE Committee to whom the Report and original Papers relating to the Conspiracy, deliver'd by the House of Commons at several Conferences, were refer-

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red;

red; and who were impower'd to examine *Christopher Layer*, and such other Persons, as they from Time to Time should think proper; having carefully compar'd the said Report with the original Papers referr'd to them; and having examin'd several Persons in Relation to the treasonable Practices and Correspondences therein set forth, are fully satisfied and convinc'd, that a detestable and wicked Conspiracy has been form'd and carry'd on, for soliciting a foreign Force to invade these Kingdoms, for raising a Rebellion, and inciting Insurrections in *London*, and divers other Parts of *Great Britain*; and even for laying violent Hands on the Sacred Person of his Majesty, and on his Royal Highness the Prince of *Wales*; in order to destroy our Religion and Constitution, by placing a Popish Pretender on the Throne.

And the Lords Committees think themselves oblig'd in Justice to observe, that the extraordinary Vigilance and Application which has been shewn by the House of Commons in detecting this Scene of Iniquity, and laying its most hidden Springs in so full and clear a Light, as it has greatly contributed to the publick Safety, by opening the Eyes, and awakening the just Resentment of an injur'd Nation; so it cannot fail to excite a proportionable Zeal and Emulation in your Lordships, for concurring with that House in the no less necessary Work of bringing the Authors of these wicked Designs to such exemplary Punishment as may be a lasting Admonition to Posterity, that Artifice and Disguise can no more lessen the Danger, than mitigate the Guilt of Treason; and that they act under a fatal Delusion, who hope to abuse the Lenity of our Laws, to the Ruin of our Constitution.

The Lords Committees think it a strong Confirmation of the Truth and Exactness of the said Report, that several material Observations, which are there advanc'd, as grounded on probable Conjectures only, have since been amply verified and supported by fresh Discoveries arising from the Papers lately referr'd to them, which are contain'd in an Appendix annex'd to this Report.

The Intelligence sent by *Col. Stanhope*, and *Sir Anthony Westcombe*, in Relation to the Pretender's Ships under *Morgan*, as well as the Explication given by the Committee of the House of Commons to several of the fictitious Names in the intercepted Correspondence, is very  
much

much illustrated and confirm'd by Papers seiz'd on Board the *Revolution*, and by the Examinations of some of the Prisoners belonging to that Ship.

It appears by those Papers and Examinations, that *Morgan*, who went by the Name of *Walton*, and *Gallwey* (an Irish Roman Catholick) who went by the Name of *Gardiner*, with others acting under their Direction, have for several Years past been employ'd in fitting out Ships under English Colours, which were ready on all Occasions to attend the Motions of the Pretender, who in several of the Letters is stiled *their King*, and *their Royal Master*. That the Money for these Ships was supply'd partly by Persons in England, partly by *Waters* the Banker at *Paris*, and partly by the late Duke of *Ormond*; that one of these Ships, in the Year 1719, was sent by *Morgan* to the *Groyne*, with an Express to fetch the late Duke of *Ormond* to England; at which Time it appears, that *Morgan* and *Gallwey* were promis'd a Supply of fifty thousand Pounds from Friends in England; that others of these Ships lay hovering about the Coast of *Britany*, from the Year 1718, to 1721, expecting to be employ'd either by *Caste*, and *Chivers*, (General *Dillon*) or by *Hore*, (Sir *Harry Goring*) in what they call their *Home Trade*. That in the Year 1721, despairing of any Employment of this Kind, on Account, as is express'd in one of their Letters, of *Hore* and his Partners being Cowards in Trade, they engaged themselves in the Service of the *Swedish Madagascar Company*, and in December 1721, rendezvouz'd in the Bay of *Cadiz*, for this Purpose; but this Project likewise falling, on Account of some Deficiency on the Part of the *Swedes*, *Morgan* waited on the late Duke of *Ormond* at *Madrid*, and was by him supply'd with twelve thousand Pieces of Eight, for fitting out the Ships, *Lady Mary*, and *Revolution*, for the Pretender's Service; soon after *Morgan's* Return to *Cadiz*, the Arms and Ammunition, which had been prepar'd for the *Madagascar Voyage*, consisting of two thousand Muskets, two thousand Bayonets, one thousand Carbines, four hundred Barrels of Powder, and a proportionable Quantity of Match, Flints, &c. were consign'd to *Morgan*, and by him put on Board the Pretender's Ship, call'd the *Lady Mary*; and *Morgan*, having embark'd on Board the said Ship with several Irish Officers, set Sail from the Bay of *Cadiz* the latter End of April 1722, and went first to *Sancto Antonio*, and then to *Sancto Andera* in the Bay of *Biscay*.

The Committee having sent for Mr. *Gustavus Bahr*, formerly a Captain in the *Swedish* Service, who being at *Cadiz* on Account of the *Madagascar* Expedition, had Occasion to transact several Affairs with *Morgan*, and the other Officers of the Pretender's Ships, they were inform'd by him that the Arms above-mention'd were brought Part of them from *Gottenburg*, and Part from *Hamburgh*, by one of the Pretender's Ships, nam'd the *Fortune*, commanded by one *Eutler*. That two thousand of the said Arms belonged to the *Swedish Madagascar* Company, and were deliver'd by him, *Bahr*, to *Morgan*.

That the Remainder, which belong'd to Count *Rhenstierna*, a *Swede*, were also purchas'd by *Morgan*, but not 'till some Weeks after the first two thousand. That *Morgan* went to *Madrid*, and return'd with twelve thousand Pieces of Eight in Bills and Money, which Sum he, *Bahr*, saw in *Morgan's* Hands. That Baron *Seebach*, and one *Oshoff* (who are) frequently mention'd in *Morgan's* Letters) as also Count *Rhenstierna's* Agent, who deliver'd the Arms to *Morgan*, declar'd to him, *Bahr*, since his Return to *Gottenburg*, that *Morgan* was supply'd with these twelve thousand Pieces of Eight from the late Duke of *Ormond*, and that the Arms were paid for out of the said Money. And *Morgan's* Son being examined by the Committee, own'd that his Father went at that Time to *Madrid*; that the late Duke of *Ormond* was then there, that his Father did there receive Bills for fitting out the Ships, but from whom he cannot tell.

*Bahr* farther declar'd, that all the *Swedish* Officers at *Cadiz*, look'd on *Morgan's* Ships, as belonging to the Pretender, and spoke of them in all Conversations as such, which was confirm'd to him expressly by Baron *Seebach* and *Oshoff*; and one of the Sailors of the said Ships own'd to the Committee, that they went from Port to Port without taking in any Cargo; that they had sometimes but sixty, and sometimes one hundred and thirty Men on Board the *Revolution*, and often receiv'd Orders for sailing with all possible Expedition, which Orders were afterwards countermanded, without any apparent Reason for one or the other, and that this unaccountable Proceeding satisfy'd him, the said Ships were engaged in some unwarrantable Design. *Bahr* farther declar'd, That *Oshoff* told him, the Ship *Revolution* was at first purchas'd in *England*, for transporting the late King

King of Sweden in Person, in his projected Descent on Scotland; and that he, *Bahr*, saw the Name *Carolus*, still standing in the Cabin of the said Ship, when he was last on Board her. And *Morgan's* Son own'd, that he had observ'd the Arms of the Crown of Sweden in the said Cabin; which he suppos'd, were plac'd there as a Token that the said Ship was engag'd in the Service of the *Swedish Madagascar Company*, tho' he own'd, that the other Ships engag'd in the same Service, had no such Token.

Some of the Particulars above related, do very much explain and confirm O————'s Letters to L———— of the 27th of *April*, as also those to *Dumville* and *Dodsworth*, in which it is said, that the Hopes of Remittances from Persons in *England* had induc'd O———— to supply M———— (which appears to be *Morgan*) That O———— could depend on two thousand Arms from M———— (which appear to be the two thousand Arms deliver'd to *Morgan* by *Bahr*, before the Date of O————'s Letter.) That M———— had writ from C———— (which appears to be *Cadix*) that he could get more Arms if he had more Money; and accordingly the Committee find, that a second Supply of Arms was purchas'd by *Morgan* from Count *Rhensterna's* Agent. O———— in his Letter to L————, dated the 27th of *April*, says, 'I have order'd M————'s Ship to 'come to A————.' and it appears, that *Morgan* did at that very Time embark on Board the *Lady Mary*, with the Arms above-mention'd, and went first to *Sancto Antonio*, and soon after to *Sancto Andero*.

The Sailors on their Examination having mention'd one *Hilton*, as commanding a Ship under *Morgan*, and the Committee finding a Letter from *Morgan*, directed to *Don Nicholas*, which in a subsequent Letter is mentioned to have been writ to the said *Hilton*, they thought it probable, *Hilton* might be a fictitious Name for *Nicholas Wogan*, in the same Manner as *Walton* was for *Morgan*, and *Gardiner* for *Gallwey*; having accordingly examin'd the Sailors as to this Particular, one of them said, he believ'd *Hilton* was a fictitious Name, and *Morgan's* Son own'd, that *Hilton's* true Name was *Nicholas Wogan*, and that he had been confin'd in *England*, on Account of the *Preston* Rebellion, as he was told by *Nicholas Wogan, Junior*, who went by the Name of *Pater-son*: And one of the Sailors declar'd, that the said *Wogan, Sen.* obtained the said Command of one of the Ships

Ships under *Morgan*, after their Arrival in the Bay of *Cadix*.

These Particulars agree with *Glascock's* Letter to *George Kelly* of the 24th of *April*, O. S. in which he mentions *Nicholas Wogan* by the Name of *Xoland*, as being to have the Command of a Vessel at *Cadix*, to cruize against the *Turks*, or for other Views, on which he will not pretend to decide; and *Kelly*, answering this Letter, wishes *Wogan's* Chief may succeed in his Journey. The same Particulars confirm *Mr. Crawford's* Letters of the 18th and 25th of *July*, by which it appears, that the two *Nicholas Wogans* were at that Time come to *Morlaix*, expecting *Morgan's* Ships to follow them to that Port, in order to their setting Sail for *England*; that the eldest of them was to have been Captain, and the other Lieutenant of one of those Ships; and that they own'd the Project in *Spain*, by what they had learnt of it was for the late Duke of *Ormond* to have landed in the *West* with *Irish* Officers and Arms.

On the 8th of *June*, N. S. Colonel *Stanhope* writ Word, that the late Duke of *Ormond* was preparing to embark with Arms and Officers for *England*. And the Committee find, that about that Time, the Ship *Revolution* set Sail from the Bay of *Cadix*; that the Sailors knowing the *Madagascar* Voyage to be dropped, refus'd to do their Duty, 'till they were satisfy'd as to the Place they were design'd for. That hereupon, *Gallwey* assur'd them it was to *Gibraltar*, in order to clean the Ship; but having got them under Sail, and satisfy'd them about their Wages, they proceeded to the Bay of *Biscay*; that they put in at *Sancto Antonio* to take *Morgan* on Board, and then joined the *Lady Mary* at *Sancto Andero*. That upon their Arrival at this Place, the common Report on Shoar was, that the late Duke of *Ormond*, and four Companies of Soldiers, were to be taken on Board the *Revolution*; that Corn and Cattle were provided for the said Soldiers; and that the late Duke of *Ormond* was within a short Day's Journey of *Sancto Andero*; that hereupon, the first and second Mate of the said Ship, suspecting *Gallwey* to be engag'd in some unwarrantable Design, agreed not to serve any longer, unless *Gallwey* would give them a Note under his Hand; that they were forc'd into the Service, and would also declare whither they were bound, and give them Security that they should not be employ'd in any other Voyage, than such as he should declare to them; whereupon

upon one of them was confin'd, and the other discountenanc'd by *Gallwey*.

But that *Gallwey*'s real Expectations were to have come over with the late Duke of *Ormond*, appears to the Committee most evident from the Copy of a Letter of his, dated the 16th of *June*, the Day before he set Sail from, *Cadix*, in which are these Words, ' I hope, the ——— will sail To-Morrow ; your not repeating Orders and Advice concerning the Business in Hand, gives me a thousand Apprehensions ; God send, our Bankers and the rest of our Friends are safe, and stand their Ground. I intended to embark my self on Board the ——— for fear my Dear Aunt should have any Occasion for Assistance, of whom I am so tender, that I would not if possible, have the Care of her put into any other Hands."

The Committee observe, that the same Expression of My Aunt, is us'd in the Letter to *Dodsworth*, with such Circumstances, as make it highly probable, that in that Letter, as well as this of *Gallwey*'s, it denotes the late Duke of *Ormond*. They likewise observe, that the Names of *Mansfield* and *Medley*, are us'd in *Morgan*'s, and *Gallwey*'s Letters, in such a Manner, as confirming those Names to mean the late Duke of *Ormond*, agreeably to the Explication given them in the Report of the Committee of the House of Commons.

*Gallwey* in his Letter of the 3d of *November*, 1722, says, he has a Couple of fine Greyhounds, a Dog and a Bitch, for Mr. *Freeman* ; the same Dogs are mention'd in another Letter, and in the Depositions of two of the Sailors, to have been a Present from the late Duke of *Ormond* to the Pretender ; which confirms the Explication of the Name of *Freeman*, mention'd in the said Report, to be true.

There was likewise seiz'd on Board the *Revolution*, a Letter to *Gallwey*, sign'd *John Obrien*, which appears to be in the same Hand-Writing with the Letters sign'd *Gerrard* ; and M. *Digby*, taken among *Dennis Kelly*'s Papers, and confirms *Gerrard* to mean Sir *John Obrien*, one of *Dillon*'s Secretaries, agreeable to the Conjecture in the said Report.

*Gallwey*, in a Letter dated from *Alicant Bay*, the 23<sup>th</sup> of *September* last, expresseth his Concern for *Kelly*'s Confinement, but hopes, that it is the worst that can befall him ; and a Letter in *Kelly*'s Hand-writing, sign'd *John Johnson*, directed to *Gardiner*, but enclosing a Note for

20 Guineas payable to *Gallwey*, was found on Board the *Revolution*; as also a Direction enter'd with *Kelly's* own Hand, in a Pocket-Book, suppos'd to belong to *Morgan*. *Kelly*, in his Letter, acknowledges the Receipt of one from Sir *John* (which is probably their common Correspondent, Sir *John Obrien*) and says, their Friends in *Spain* are well, as one of the Family writes him Word: which shews how extensive *Kelly's* Correspondences were.

*Gallwey*, in a Letter from *Genoa* of the 3d of *November*, 1722, (which appears to have been writ to one of the Pretender's Family) says, 'He has acted for many Months past, under the Direction of *Medley (Ormond)* who, he makes no Doubt, has mention'd him to Mr. *Freeman* (the Pretender; ) yet in his Letter to Lord *Carleton*, after his Ship was taken, he has the Assurance to affirm, 'That he never saw the late Duke of *Ormond*, since he left *England*, nor ever corresponded directly or indirectly with him or the Pretender, or any of their Adherents at Home or abroad; but was always zealously well affected to his present Majesty, and our happy Establishment.

*Gustavus Bahr* above-mention'd, deposes, among other Particulars, that he has been inform'd the Pretender's Agents had Arms for three thousand Men, lodg'd at a House belonging to the late Duke of *Ormond*, near *Morlaix* in *Brittany*; which Port, the Committee observe, was one of the usual Stations of the Pretender's Ships under *Morgan*; and it appears probable, that these three thousand Arms made Part of the ten thousand mention'd in O——'s Letter to L——, as provided by D——, who is suppos'd to be *Dillon*.

*Robert Franklyn*, second Mate of the Ship *Revolution*, deposes, that Letters directed to *John*, or *James Jacobs*, at *Genoa*, were taken up at the Post-House by *Gallwey*. The Committee observe, that *Jones* in his Letter to *Chivers*, mentions his having communicated the Copies of *Manfield's* and *Jacobs's* Letters; and *Glascock* in his Letter to *George Kelly* of the 1st of *May*, says, 'He hopes Money is sent to pay for the barrels, which *Jacobs* has at his Disposal.' In both which Places, it is probable, that *Jacobs* means *Gallwey*; and that *Barrels* mean Stands of Arms, is confirm'd by a Letter of *Morgan's*, in which, speaking of that very Ship that brought the Arms above-mention'd from *Gottenburg*, and *Hamburg* to *Cadix*, he says, 'She had receiv'd Orders for taking in nineteen Barrels, with every thing necessary to make Use of them.'



“ them.” Which last Words seem to refer to the Bayonets, Flints and Powder. The Intelligence sent by Mr. Crawford, on the 27th of May, that Gordon of Baylogne was to have a Ship ready to transport some of the Chiefs of the Conspiracy to England, is confirm’d by the Deposition of Roger Garth (already publish’d) who declares, That the said Gordon (whom he had good Reason to believe to be an Agent of the Pretender’s) did some Time last Summer endeavour to engage him to ply off of that Station with his Sloop, in order to carry over such Persons as he, the said Gordon, should recommend to him, promising him, that he should have Employment enough.

The Lords Committees conceive, that the several Particulars above related, will appear to the House very much to corroborate the Accounts receiv’d from abroad, of Ships provided for transporting the late Duke of Ormonde to England, with Arms and Officers, the Beginning of last Summer; and that they also confirm the decyphering of the Letters, and Explication of the Names, contain’d in the Report of the Committee of the House of Commons.

The Lords Committees observing, that some Paragraphs of the Letters referr’d to them, were writ originally in Cypher, thought it proper to call the Decypherrers before them, in order to their being satisfy’d of the Truth of the decyphering. The Account they receiv’d from those Persons, was, that they have long been versed in this Science, and are ready to produce Witnesses of undoubted Reputation, who have fram’d Letters in Cypher, on Purpose to put them to a Tryal, and have constantly found their decyphering to agree with the original Keys, which had been conceal’d from them; it was likewise confirm’d to the Committee, that Letters decypher’d by one or other of them in England, had exactly agreed with the decyphering of the same Letters, perform’d by Persons in foreign Parts, with whom they could have no Communication; and that in some Instances after they had decypher’d Letters for the Government, the Keys of those Cyphers had been seiz’d, and upon comparing them, had agreed exactly with their decyphering.

With Respect to the intercepted Letters in Question, they alledg’d, that in the Cypher us’d by George Kelly, they find the Words rang’d in an alphabetical Order, answering the progressive Order of the Figures by

which they are express'd, so that the farther the initial Letter of any Word is remov'd from the Letter A, the higher the Number is by which such Word is denoted; that the same Word will be found to be constantly denoted by one and the same Figure, except in the Case of Particles or Words of very frequent Use, which have two or three Figures assign'd to them, but those always following one the other in progressive Order. They likewise set forth, that in the Cypher abovemention'd, a certain Order is constantly observ'd, as to the placing of the Words made Use of, that under each Letter of the Alphabet, the first Cyphers are allotted to the proper Names of Places, the next, to the proper Names, or Titles of Persons, the next, to whole Words in common Use, and the last, to denote single Letters.

As to the Truth of the decyphering, they alledg'd, that several Letters written in this Cypher, had been decypher'd by them separately, one being many Miles distant in the Country, and the other in Town, and yet their decyphering agreed; that Facts unknown to them and the Government, at the Time of their decyphering had been verified, in every Circumstance, by subsequent Discoveries, as particularly that of *H——*'s Ship coming in Ballast to fetch *O——* to *England*, which had been so decypher'd by them two Months before the Government had the least Notice of *Halfstead*'s having left *England*. That a Supplement to this Cypher having been found among *Dennis Kelly*'s Papers, the latter End of *July*, agreed with the Key they had formed of that Cypher the *April* before. That the decyphering of the Letter sign'd *Jones, Illington*, and 1378, being afterwards apply'd by them to others written in the same Cypher, did immediately make pertinent Sense, and such as had an evident Connexion and Coherence with the Parts of those Letters that were out of Cypher, though the Words in Cypher, were repeated in different Paragraphs, and differently combin'd. And they insist that these several Particulars duly weigh'd, amount to a Demonstration of the Truth of their decyphering.

As to the other Cyphers made Use of by *Jernegan*, *Staley*, and *Walter Grahame*, they consist only of twenty-four Figures for the twenty four Letters of the Alphabet, and some other Figures for proper Names or whole Words,

Words, in the placing of which Names, a certain Order is also observ'd.

These several Particulars they declar'd themselves ready to attest upon Oath, and to produce sufficient Witnesses to their Character and Integrity, as well as their Skill.

The Committee being empower'd to examine *Christopher Layer*, did accordingly spend some Time in the said Examination, which produc'd a tedious Repetition of the Particulars contain'd in his Examination before the Committee of the House of Commons, and some few Circumstances which they found he had recollected by reading the printed Report, and Appendix.

All that he confessed to them which is new, was, that he did before his setting out for *Rome*, acquaint *Plunket* with his Intentions of carrying over a Note of the Names of the Tory Gentlemen of *Norfolk*, if *Plunket* thought it would be acceptable; that during his Stay at *Rome*, *Sir William Ellis* told him, that he had formerly corresponded with *Plunket*, at the Request of the *Lady Middleton*, but that he had not for some Time past corresponded with *Plunket*, or any one else, in Relation to the Pretender's Affairs; for that from the Time of the Action at *Dumblain*, so many *Scottish* Noblemen and Gentlemen had come over to the Pretender, that he and all the rest of the old Servants had been forbid all Correspondence in *England*, or elsewhere.

Upon *Layer*'s desiring Leave to correspond with him, if it were practicable, he told *Layer*, that on Condition he would promise to write nothing but what might be shewn to the Pretender himself, he would settle a Correspondence with him; for that tho' he had follow'd the Fortunes of the late King *James* and his Family ever since the Revolution, and had always been faithful to the Pretender, and for many Years his Cashier; yet if any of the *Scottish* Gentlemen that were about the Pretender, should know he receiv'd a Letter without communicating it to him, it would cost him his Place, and he should be in utter Disgrace: That *Layer* promising to write nothing but what might be shewn, *Ellis* gave him a Cypher of his own Hand-Writing, as also another Cypher of cut Paper, for carrying on the Correspondence; that he, *Layer*, likewise settled a Cypher of fictitious Names with *Mrs. Hughes*, Nurse to the Pretender's

Pretender's Child, and receiv'd a Letter from her in Relation to the Christening of his Daughter. He would not own that he knew of any other Cypher, and persisted, that Mrs. Kinder meant the said Mrs. Hughes, tho' in Ellis's Cypher it stands for Mrs. Fox. He said, that the Paper which he desir'd a Copy of from Sir William Ellis, and which is referr'd to in Ellis's Letter of the 30th of January, was a short Scheme relating to the Preston Affair, shewn him by Ellis, while he was at Rome, of which he remembers no other Particulars, but that Insurrections were to be begun in several Counties in a dark Night. That when he made Application to Plunket for the fictitious Names of *Berford*, *Steele*, &c. he was forc'd to acquaint Plunket with his having settled a Correspondence with Ellis, which Plunket resented, and said, he thought Ellis had been forbid all Correspondence with Persons here. That the Reason of his asking Plunket for a fictitious Name for Lord Orrery, was, that he had Occasion to mention to Ellis a Club which Plunket had often told him of; that Plunket once shew'd him a List of this Club of his own Hand-Writing, which he read over two or three Times, but that Plunket talked so inconsistently of them, that he, *Lacy*, verily believes, it was a meer Fiction of his own, and that there never was any such Club. That he, *Lacy*, thinks Lord Orrery mention'd to him Lord Strafford, as one of those who, with Lord North, Sir Harry Goring, and others, were (as Lord Orrery was inform'd) going to do a rash Thing in Favour of the Pretender; that he cannot be positive as to Lord Strafford. That he, *Lacy*, wrote himself to the Pretender concerning the Difference of Opinion which he observ'd in Lord North, and Lord Orrery, about the Means of restoring him, and the Necessity there was, that the Regent should permit General Dillon to come over here with some foreign Forces. That he also drew up a Scheme of a Lottery to have been open'd here in Favour of the Pretender, and enclos'd the said Scheme in a Parcel with some Silk-Stockings which he sent as a Present to the Pretender and his Spouse, by *Andrew Hays*, who travelled to Italy with Alderman Barber. That he deliver'd this Parcel to Hays with his own Hands, who promis'd to convey it to Ellis, and said, he could do it with Safety. That Hays, as he believes, understood the Stockings to be for the Pretender and his Spouse; that he likewise had some Discourse with Hays, about getting Copper Plates engrav'd

Engrav'd at Rome, in English and Italian, for the Tickets of the said Lottery, and desir'd him to receive Sir William Ellis's Directions about it, which *Haye* promis'd to do. That while he, *Layer*, was at Rome, *Haye* ask'd him, whether he would not see the King, meaning the Pretender; and that the said *Haye* went frequently to the Pretender's Family in the Way of his Business, and was, as he believes, present while the Pretender's, and his Spouse's Pictures were drawn.

*Haye* being examin'd by the Committee, own'd the Receipt of the Stockings, but deny'd their being deliver'd to him by *Layer*, or that he knew who they were for. He likewise own'd the carrying a Packet to *Belloni*, the Banker at Rome, which was brought to him by a Porter from *Layer*, as he suppos'd.

*Layer* owns, that *Haye* told him, *Belloni* was the Pretender's Banker, but denies his sending any such Packet by *Haye*; and in several other Particulars of their Examinations, they contradicted each other.

A Scheme of the Lottery abovemention'd (for raising 225,000 l. Sterling) having been found among the Papers of *Walter Jefferyes*, now in Custody, the Lords Committees thought proper to examine him how he came by it; he own'd his being acquainted with *Layer* and *Plunket*, that he saw *Layer* about the Time of his going abroad, and help'd him to a Bill on a Banker at *Antwerp*; but he deny'd his knowing from whom he receiv'd the said Scheme, or his having had any Conversation with any one about it; and said, it might be put into his Hands by *Plunket*, for ought he knew, but that he was not sure he had ever read it, and if he had known such a Paper had been in his Custody, he should have destroy'd it.

The Lords Committees being inform'd, that *Layer*, between the Time of his delivering the large and lesser Bundle of Papers to Mrs. *Mason*, had deliver'd to her a large Parcel cover'd with blue Paper and seal'd in several Places, and that he did within a few Days after, take it back again, telling her, he wanted to carry it to Lord *North* and *Grey*'s; they examin'd *Layer* particularly on this Head, but he denied, that he ever deliver'd her any such Bundle.

The Lords Committees next proceeded to the Examination of *John Plunket*, who began with large Protestations of his Innocence, and offer'd of himself to account for three Facts charg'd upon him in the Report, and

and to shew they were great Mistakes. The first was his receiving a Letter from *George Kelly*; the second, his receiving the Letter at *Antwerp*, sign'd *Dixwell*, and the third, his receiving the Letter from the Pretender, taken at *Mrs. Creagh's*. And as in his Examination before the Committee of the House of Commons, he had fallen on the Expedient of substituting *Hugh Thomas* to personate *Rogers*; so now they found he had furnish'd himself with three different Persons, at different Places, all of the Name of *Plunket*, to whom he would have it believ'd, these Letters were written, without offering any the least Proof or Circumstance of Probability to shew, that such Persons were at all concern'd in those Letters, or that there ever were any such Persons in Being.

The Letter from *George Kelly*, he said was not writ to him, but to one *Harry Plunket*, who deliver'd it to him at *Will's Coffee-House*, *Covent-Garden*, and that it related to some Money that was to be rais'd on a Security of *Mrs. Barnes's*.

As to the Letter sign'd *Dixwell*, he said, there were two Clergymen of the Church of *Rome*, one or both of which travell'd with him and *Layer*, from *Dover* to *Antwerp*; that one of them went by the Name of *Lloyd*, but his real Name was *Plunket*. That this Man dropp'd the Letter sign'd *Dixwell*, at a Coffee-House, and he, *John Plunket*, taking it up with a Design of restoring it to him in *Lorrain*, (to which Place sometimes one and sometimes both of these Clergymen were gone) shew'd it to *Layer*, who took it into his Head that this Letter had been writ to him, *John Plunket*.

The Letter from the Pretender, he said, fell into his Hands much in the same Manner; that there is one Father *Plunket* at *Rome*, to whom the Pretender always writes, when any Body is to be introduc'd to him. Being ask'd, whether Father *Plunket* travelled with *Layer* to *Rome*, (because Mention is made in the Pretender's Letter of a Companion of *Plunket's*) he said, the Pretender always call'd the Person that was to be introduc'd by Father *Plunket*, his Companion. That this Father *Plunket* happening to shew him this Letter, and commending the Hand, he, *John Plunket*, said he had a Friend at *Rome*, that would be glad to see the Pretender's Hand-Writing. And Father *Plunket* having accordingly left the Letter with him, he shew'd it to *Layer*, and

and forgot to return it to Father *Plunket*, who never call'd for it, having fifty more Letters of the same Kind by him.

Upon the Lords Committees asking him, whether he went by the Name of *Rogers*, he said, he went by several Names in his Travels, that he might not be impos'd upon in his Reckonings, as the *English* generally are. Being ask'd, whether he took the Name of *Rogers* to prevent his being thought an *Englishman*, he said, that in *Italy*, he was call'd *Rogieri*.

They farther ask'd him, whether he had dictated any fictitious Names to *Layer*, or had mention'd any thing to him of a Club; to which he answer'd, that he had given *Layer* the fictitious Name of *Bedford* or *Burford*; for Lord *Orrery*, which Name he had from *Neynos*. That one Night being in Company with *Layer*, and some Clergymen, whose Names he has forgot, the Discourse turning on the Protests of the Lords, and the Names that were subscrib'd to them, one of the Company said, These are a loyal Club; another said, They are Jacobites; and that he, *Plunket*, said, there was a loyal Club of eighty or ninety Lords who would stand in Defence of their Country.

He farther observ'd to the Committee, that in the Bill now depending before your Lordships, he is not mention'd by the Name by which he was baptized and confirm'd; he said, his Surname was *Plunket*, but his Christian Name he declin'd telling; and seem'd to place some Hopes and Confidence in this Subterfuge.

The Committee finding him trifle with them in this egregious Manner, ask'd him in general, whether he had ever been in Conference with the Pretender, or had corresponded with him, or any of his Agents; to which he answer'd in the Negative.

The Committee next sent for *George Kelly*, who told them, that the Affair being soon to be brought before your Lordships, he desir'd to be excus'd from answering any Questions; so that they had no Opportunity of examining him as to the new Matters alledg'd against him in the Depositions of *Mr. Philip Caryll*, and others.

However, they thought it proper to send for the said *Mr. Caryll*, and to ask him, whether he had any thing to add, or retract from his former Accounts. His Depositions being read over to him, he express'd himself very angry and uneasy at their being made publick, and told

and told the Committee, he was not dispos'd to answer any farther Questions, being sorry for what he had said already; he likewise insinuated, that what he had said, had not been taken down exactly as he dictated it; and seem'd apprehensive, that he was call'd upon to accuse himself of Matters that might be prejudicial to him. But upon the Committee's telling him, that the most effectual Way he could take to do himself Service, was, to make a candid and ingenuous Discovery of the whole Truth, he said, he had already given a candid Account, and hop'd, he should not have been a Sufferer for his Candour. Being ask'd, whether his Depositions had not been read over to him before he sign'd them, he said, they were; but that he was in a great Confusion at the Time they were taken: Being then requir'd by the Committee, to read them over himself, and to shew in what Particulars they vary from his Sense and Meaning, he grew more compos'd; and having read over the first, dated the 27th of *March*, said he believ'd it was right enough; in reading over the second (dated the 29th of *March*) he said, it was not strictly true, that Sir *Harry Goring* had told him what is there related, concerning an Invasion, Commission, &c. but that it was true, he had heard Sir *Harry Goring* say so; that as to Lord *Lansdown's* being to land in the *West*, he could not be positive, but he thinks Sir *Harry Goring* said so; he said, it was but a Supposition of his own, that the Discourse which occasion'd the Bishop of *Rocheſter's* taking Sir *Harry Goring* by the Collar, related to the Pretender's Affairs; but that he remembers very well, Sir *Harry Goring* did affirm, that on his saying the Words there recited, *This is rocking the Cradle indeed*, the Bishop did take him by the Collar, and that he, *Caryll*, did apprehend the said Discourse to have Relation to the Pretender's Affairs. He said, it was about two Years ago, that being at Sir *Harry Goring's*, he saw a Letter lie on his Scrutore, directed to Mr. *Hore*; and upon his asking Sir *Harry*, who the said Letter was for, Sir *Harry* told him, it was writ to himself; he said, that the Words in his Deposition, which import, that he, *Caryll*, had Reason to believe, *Kelly*, and Sir *Harry Goring*, were settling together a Key at his House at *North*, by which they might correspond, are too strong; for that he, *Caryll*, did not see any such Key, only it was his Suspicion, and Thought at that Time, that they were framing such a Key.

He



He likewise said, that what relates to *Boyce* in the said Deposition, is rather stronger than he meant it, for that *Boyce* only told him, he was afraid, the Servant he, *Caryll*, had sent to him to help off, was *Sample*, alledging this Reason, that he had observ'd he was disguis'd, and that he was afraid he was somewhat like the Description given of *Sample* in the Proclamation. All the other Particulars of his Depositions he averr'd to be true, but said, he had nothing farther to add, and that he would rather a thousand times die in *Newgate*, than be an Evidence.

*Boyce* being examin'd by the Committee, own'd that *Sir Harry Goring* went to *France* in his Yacht, and that a Servant went over with him in a black Wigg, whom he had never seen with *Sir Harry Goring* before; but he utterly deny'd his having convey'd over any Person sent to him by *Mr. Caryll*, or his having had any Discourse with *Caryll*, about any Person's answering the Description of *Sample*.

The Committee having summon'd before them *William Beasing* of *Horn-Dean*, and having read to him his former Depositions, find, that he retracts what he had there depos'd on Oath of *Caryll*, and *Sir Harry Goring's* being in Company at his House with the Person who had but one Hand; he says, such a Person was at his House with two other Gentlemen, but that he now recollects, *Caryll*, and *Sir Harry Goring* were not there at that Time. Being ask'd, Whether he had receiv'd any Letter or Message, since his being in Custody, which had help'd to set him right in this Particular, he answer'd in the Negative.

The Committee observe from the Parts of *Mr. Caryll's* Depositions, which he affirm'd, that the Explication given to the Name of *Hore*, in the Report of the Committee of the House of Commons, as also the decyphering of that Part of *Kelly's* Letter, which mentions *Hore's* Commission, and the Conjecture of *Goring's* having carry'd over a new Cypher from *Kelly* to *France*, are very much confirm'd. They likewise observe, that what it said in *Glascock's* Letter to *Kelly* of the 20-31<sup>st</sup> of *October*, concerning the Arrival of the little *French Merchant* mention'd by *Kelly*, and the Precaution they intended to use in Relation to him, 'till some other appears, with whom they may talk of Business more to the Purpose, has probably Relation to *Sample's* being got safe to *France*. And the Letters sign'd *Fra. Philips*, which

*Caryll* owns; he receiv'd from *Kelly*, not only confirming *Kelly's* writing by fictitious Names, but is a strong Argument of his being the Person that writ the Letter to *Bonaville* of the 27th of *September*, and consequently the other Letters charg'd upon him, in the Report. For as in his Letter to *Caryll*, he says, 'I have never heard a Syllable from your other Lawyer (*Sir Harry Goring*) since you and I were with him, which you will say is pretty surprizing, and am afraid, very detrimental.' So in that to *Bonaville* (writ within five Days of the other) he says, 'I have not heard a Syllable from *D. Gainer*, or *G. Roberts*, since *Mr. G. Sampson* went, which has been a great Surprize, and I may say, no small Detriment to some of their Friends.

This Identity of Expression, in two Letters writ so near the same Time, appears to be a farther Confirmation, that the same Person writ them both, and confirms *G. Sampson* to be the same with the other Lawyer, which *Caryll* explain'd to mean *Sir Harry Goring*.

The Lords Committees also find in the Papers referr'd to them new Evidence of *Kelly's* visiting, writing to, and receiving Letters from the Bishop of *Rochester*, as appears by Affidavits from the Persons who carry'd *Kelly* to the Bishop's House, and who also deliver'd Letters from him to the Bishop, and brought back the Bishop's Answers; and *Mrs. Levett* deposes on Oath, that *Mrs. Barnes* has told her, *Kelly* receiv'd in one Day as many Letters from abroad as came to fourteen or fifteen Shillings, the Directions of which, she, *Barnes*, saw, but they were in such odd fictitious Names, as no one could find out but *Kelly*, who had the Key; that among these Letters, there was one for the Bishop of *Rochester*, (as *Kelly* told her) which he was at that Time gone to deliver to the Bishop. And *John Malone* deposes, that among the Letters, which he carry'd from *Kelly* to the Post, there were some directed to *Waters*, the Banker at *Paris*, under whose Cover it appears that most of the treasonable Letters were sent, and the original Letter in *Kelly's* own Hand, stopp'd at the Post-Office, was inclos'd in a Cover so directed. *Mrs. Levett* farther deposes, that *Mrs. Barnes* told her, under Secrecy, that the Dog sent from *France*, was a Present from the late Lord *Mar* to the Bishop of *Rochester's* Lady; which is in some Measure confirm'd by the Draught of the Affidavit prepar'd for *Birmingham* at *Paris*, in which he is desir'd, to swear, that Lord *Mar* knew nothing of any such

such Dog; and though this Affidavit does not appear to have been sent over by *Kelly* directly, yet express Mention is made in the Letter to *Gordon*, that the said Affidavit is the Copy of a Note from the Person concern'd, with the Substance of what he thinks requisite. This Circumstance of the Dog's having been sent by the late Lord *Mar*, which is not expressly alledg'd in any Part of the Report of the Committee of the House of Commons, is a new Confirmation that the Letter sign'd 918, which mentions the sending the Dog, is from *Mar*; and that *Musgrave*, to whom the Receipt of the Dog is acknowledged in two several Letters, is likewise a Name denoting *Mar*, agreeably to what is asserted in the said Report.

The Committee find by two Affidavits refer'd to them, that *George Kelly*, the last Time he was taken into Custody, offer'd the Woman of the House a Gold Watch, forty Guineas in Money, and a Note for 40 l. more, to let him escape.

The Committee have laid the Substance of these several Examinations together, as having some Reference to *George Kelly*.

They likewise examin'd Mr. *Dennis Kelly*, who utterly deny'd his being advis'd with, or knowing any thing relating to any Conspiracy. Several Papers found in his Custody being shewn to him, he deny'd his having ever seen them before, except when some of them were shewn to him at former Examinations.

They next sent for Captain *Pancier*, and having order'd his former Depositions to be read to him, ask'd him, Whether he had any thing to add or retract; he affirm'd every Part thereof to be true, and said, he had only this farther Particular to add, That having lately seen *George Kelly*, as he was brought down to the House of Commons, he recollects, that he has often seen him at the Gaming-Tables with *Skeene*; and that *Skeene* and the said *Kelly* were intimately acquainted, as he is able to prove by several Witnesses of Credit. *Skeene* being call'd in, and having heard *Pancier's* Depositions read over to him, own'd, that he was acquainted with *Pancier*, and had been in Company with him at several of the Times and Places mention'd in the said Depositions. That he was taken Prisoner in the *Preson* Rebellion, but is not related to *Marr*, nor has ever seen *Mackintosh* since he parted from him at *Highgate*: He own'd, he had had general Discourse with *Pancier* relating to a Plot, and that

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*Pancier*

*Pancier* had ask'd him several Questions about it, to some of which, he (*Skeene*) assented, and to others, not; but he deny'd his having told *Pancier* any farther Particulars than were in the News-Papers, or in the current Report of the Town. As for Instance, when *Pancier* ask'd him where the late Duke of *Ormond* was, he told him, the News-Papers said he was at *Corunna*; but he positively deny'd his having ever mention'd to *Pancier* any particular Persons as concern'd in the Conspiracy, or any of the particular Facts specify'd in his Depositions. He farther said, he had Reason to believe, that *Pancier* had sent to him since his being in Custody, to advise him to make his Escape, for that one *Gerrard Fitzgerald* having been walking with *Pancier*, in the Park, came directly from thence to him, *Skeene*, at the Messenger's House, and advis'd him to make his Escape; tho' he own'd, that *Fitzgerald* made no Mention of *Pancier's* having sent him any such Advice.

*Fitzgerald* being sent for by the Committee, own'd he had been to see *Skeene*, and finding no Body at that Time in the House but a Woman, told *Skeene*, it would be an easy Matter for him to escape; but he clear'd *Pancier* from having sent such Intimation or Advice. He farther said, that *Skeene* told him, he did not know but he might have talk'd foolishly to *Pancier*, but that if he had, *Pancier* was but a single Evidence; or to that Effect.

The Committee find among the Papers refer'd to them, a Copy of the Orders which *Arnold* receiv'd from the Owners of the Ship *Phineas*, requiring him to follow the Directions of *Roger Nowell (Halstead)* during the Voyage; as also an Affidavit, by which it appears, that the said *Halstead* was to visit the Bishop of *Rocheſter*; and staid an Hour at his House, a few Days before his setting out for *Bilboa*.

They also find a very remarkable Letter sent to one of the Secretaries of State, by an unknown Hand, dated the 12th of *February*, 1721-22, and encls'd in one dated the 31st of *March*; which first appears to be the Letter refer'd to in one of *Neyno's* Examinations, as drawn up by *Kelly* and himself, and brought back to him, corrected, as he believ'd, by the Bishop of *Rocheſter*.

They likewise find a Paper taken in *Lord North* and *Grey's* Study at *Carlſe*, which contains several very extraordinary Reasonings on the Nature of Oaths, tending

to prove, That the Oaths to the present Government are not obligatory, and that tho' the taking such Oaths is in itself unlawful, and a grievous Sin, as being inconsistent with prior Oaths, or Obligations, yet neither the taking nor breaking them can in Strictness fall under the Denomination of Perjury.

This is the Substance of what the Committee have been able to collect from a careful Perusal of the Papers refer'd to them, and a long Examination of several of the Persons concern'd, in some of whose Power, they have Reason to believe, it was to have made ample Discoveries, if they had been dispos'd to speak the Truth.

And though the Lords Committees cannot reflect without Pity and Compassion, on the misguided Zeal, and wretched Infatuation of those Men, who rather chuse to expose themselves to the greatest Dangers, than to discover the Authors or Accomplices of their Treasons; thereby declaring to the World, that the Leagues and Confederacies of private Villany are dearer and more sacred to them than the strongest Ties and Obligations of Society; yet the Committee make no Doubt, but the Matters contain'd in the Report refer'd to them, and corroborated by the Result of their present Enquiry, will appear to your Lordships so clearly made out, that the Conspirators, sooner or later, will have Leisure to repent of the rash and impious Choice they have made, of being rather true to one another, than to God, their Consciences, and their Country.

The most material Papers contain'd in the Appendix to this Report, were the three following, viz.

1. A Scheme for raising 1,000,000 of Crowns, by Way of Lottery, upon the Security of the Bank at Rome, and upon the Terms and Encouragements following, viz.

1. **T**HAT Tickets be deliver'd out } Tickets  
for ten Roman Crowns each, then } 100,000  
the whole Number of Tickets will be }  
And the total Sum to be paid for them, will be  
1,000,000 of Crowns.

2. That

2. That the 1,000,000 of Crowns be divided into Prizes in Manner following.

	Crowns	Crowns	Sterling
1	20000	20000	4500 <i>l</i> .
2	10000	20000	4500
4	5000	20000	4500
6	4000	24000	5400
10	3000	30000	6750
15	2000	30000	6750
20	1000	20000	4500
30	500	15000	3375
40	400	16000	3600
60	300	18000	4050
100	200	20000	4500
100	100	20000	4500
1000	50	50000	11250
39700	20	697,000	15682 <i>s</i>

Total Prizes 41,188. Total Crowns 1,000,000 225,000*l*.  
Total Blanks 58812

Total Blanks } 100,000  
and Prizes. }

3. The Prizes shall be drawn in the same Manner as is practis'd for the Drawing of the Lotteries of *Holland*, and shall bear Interest after the Rate of 8*l*. per Cent. per Annum, to commence from *Michaelmas* next; until the respective principal Sums or Prizes shall be paid off, which is propos'd to be done in less than two Years.

In this Lottery there will be little more than one Blank to one Prize, so that all the Subscribers to it will have a very good Chance for Prizes; and they that shall have the lowest Prize, which is 20 Crowns, will have at the Rate of 16 per Cent. per Ann. paid them for the prime Cost of their Ticket, besides being repaid twice their principal Sum: And the Advantage of those that shall have the good Fortune to be entitled to any of the higher Prizes, will be proportionably greater, and in an Average, all those concern'd in the Prizes will have repaid them, besides the 8 per Cent. Interest, upon the prime Cost of their Ticket, from two to two thousand Fold.

II. *Considerations*

II. Considerations on the Nature of Oaths at present, &c. taken at the Lord North's, 28th Sept. 1722.

IN a Time when nothing is so common as Reproaches, and when Words are flung about by People that know not their Meaning, and one calls the other Perjur'd, and Traytor, being ignorant of the true Meaning of either of those Terms, it will not be useless, however unacceptable, to say a little on the former Word, and explain what is Perjury; for the latter, there are so many able Expositors of the Law ready to interpret Traytor in the favourable Sense (I mean to the Government) that I myself, who will endeavour to keep as clear of the *Forum humanum* as possible, do not know but that a Case of Conscience may be contriv'd to come within the Statute of 25 of Edward III. and I, to shew my Parts against Mr. Attorney, and the King's Counsel. I'll conceal myself therefore, and if I can help it, will stand no Tryal, but in my own Country, a Place where Justice is practis'd, a very great Way off hence. But before I come to the Design of this little Tract, which is to explain what Oaths are obligatory, and consequently the Breach of what Oaths is Perjury, I cannot forbear observing how ridiculous the Reproach of Perjury comes out of the Mouth of any Briton that can remember 30 Years. They that thought the Revolution no Breach of the Oaths of Allegiance, can they reproach any one with a Breach of these? But there are some People Anti-Casuists, that think an Oath only obliges in unlawful Matters, that like a very lewd Fellow that us'd to assert every Falstiy with an Oath, saying, a Truth could shift without it. But thus much, and perhaps too much, by Way of Preface. Now to the Point. The ingenious and pious Dr. *Sanderfon* defines an Oath to be a Religious Act, by which God is call'd as a Witness to confirm a doubtful Matter; he likewise lays down five Hypothesis's, of which I shall mention but the 3d, 4th, and 5th, they being only to our Purpose. 3. No Oath takes away a prior Obligation. 4. What is impossible cannot oblige; now what you cannot lawfully do, is look'd upon as impossible: *Id tantum possumus quod jure possumus*. 5. We cannot oblige our selves to do what is unlawful, for if it is an unlawful Thing which you were to do, the Perjury is in swearing, not in breaking that Oath. An Oath has an obligatory Force with

with it, but not destructive, but constructive only; that is to say, it may bring a new Obligation where there was none before, or confirm one that preceded it; but it cannot remove any Obligation that it finds already enter'd into, or superinduce another repugnant to it. He gives for Instances, the mutual Obligation between Man and Wife, Father and Son, Master and Servant, King and Subject. Thus far out of that great Casuist; which is enough to determine what Force the Oaths of Allegiance and Abjuration under the present Powers, can possibly have. I shall only therefore apply them to that Purpose. 1<sup>st</sup>. As to the Oath of Allegiance, if there was no Obligation in the People of *England*, neither by natural Duty to any other Prince, nor antecedent Oaths to him and his Successor before the Time of the Revolution, then the Oaths to King *William*, &c. are certainly valid; but if the contrary were true, then according to the 3<sup>d</sup> Hypothesis, the first Obligation remains in full Force notwithstanding the Oath. Again, If there was no Power in the People to make a King, and if there be any Act of Parliament unrepeal'd, which declare the Subject to have no coercive Power over the King; not even both Houses of Parliament; then, tho' you swear to such a Person as King, it neither makes him such, nor obliges to any Allegiance, but comes within the 4<sup>th</sup> Hypothesis. Whether the 5<sup>th</sup> Hypothesis is concern'd in this Question, will appear to any one who will examine the Law of Nations, particularly our own, and Declarations of Acts of Parliament of the King's Rights (I mean a lawful Assembly of King, Lords, and Commons) and if there he finds that Kings are subject to none but God, particularly the King of *England*; that the Monarchy of *England* is Hereditary, not Elective, and that either of both Houses of Parliament have no coercive Power over the King, why then to transfer Allegiance whilst the Rightful Monarch is in Being, is unlawful; an Oath to that Purpose, is consequently invalid, has no Manner of Force whatsoever against our natural Duty. But before I leave this Point, I must take Notice how Dr. *Sanderfon* answers an Objection here made, and shall answer it otherwise than he does: The Objection is, But not to fulfill what you promise, is Perjury? Yes, (says my Author) but if the Thing was unlawful which you swore, you were perjur'd when you took that Oath, not when you broke it. With all

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the Respect due to so great a Man, I think this Expression too Rhetorical for a Casuist, for there is Need of both Tropes and Figures to make the taking of any promissary Oath Perjury: I cannot agree with him therefore in this, that the Breach of such an Oath is Perjury; it is certainly a Sin and a very grievous one, God forgive them that take such; but I think cannot be call'd by that which never carry'd any Obligation with it, the Breach of it cannot be Perjury; as in Marriage (a most Holy Vow) there is no setting aside the Contract (except for Cause of Fornication) without declaring it was null and void from the Beginning; so in promissary Oaths, except the Person sworn to releases you, and *ut supra*, nothing can set them aside except they be null and void from the Beginning, as prior Obligations, Impossibilities, and Injustice makes them.

III. Letter sent to one of the Secretaries of State, by an unknown Hand.

R. W. Feb. 12. 1721-22. inclosed in one from W. E.  
31 March 1722.

Sir,

Feb. 12, 1721-2.

BOTH your Letters of Jan. 22, and 29, came safe to Hand. I thank you for the Opportunity the last of them gave me of an Acquaintance with the worthy Man that brought it, who seems to be an honest Englishman, and perfectly right in his Sentiments. However, observing that you had given me no Directions to enter as deep with him as I pleas'd, I forbore, and contented my self to bemoan my Country in general, without discouraging him very particularly on any Methods that might be taken for its Relief. Should he stay long enough here for me to receive an Answer to this from you before he returns to France, I should be glad to know whether I may use greater Freedom with him. I see he is well instructed in the Interests and Designs of foreign Courts, but seems to have false Notions of our Ability here at Home, in which perhaps your Opinion has helped to mislead him.

I did, upon the Receipt of yours, discourse 105, 219, and 309. As to 36, he is in the Country, and at a Distance, so I can give you no Account of him; but we four are entirely of Opinion, that the Scheme propos'd

S. C.

of

of delivering our selves by our own Interest here at Home, is wild and impracticable.

We agree with you that the Resentments of the People are every where very high, and that this Parliament has been conducted in just such a Manner as we could wish it for our Purposes, and that the Whiggs are broken among themselves, both at Court, and in the Country, and all Sorts of Men tir'd with the present Management and Managers; but you deceive your selves if you think that all this put together, will be of any real Effect towards compassing the Point: The Tories, on whom we must chiefly depend upon this Occasion, are without Concert, and without a Head, and few of them are Men of any Capacity or Courage; their Zeal goes no farther than talking, and Healths; but I speak it knowingly of the Chief of them, they tremble at the Thoughts of working out their own Deliverance, and uniting their Strength to that Purpose. They have stuck together pretty well this Session, in managing an Attack on the Ministry in the House of Lords, but they mean nothing by it, besides expressing their Resentments; and those among them who intend any thing else, have private Views for themselves. Between twenty and thirty of them have join'd in this Attempt, and there are, I assure you, four or five different Sets of Men in that Number; the two Lords that are at the Head of them, *York* and *Cowper*, are as determin'd *Hanoverians* as any in the Kingdom, and only make Court to the Successor instead of the Father.

In the lower House, the Tories have done nothing, nay attempted nothing, this Session; they are a Rope of Sand, there is no Union, no Spirit among them: Some of them have manag'd at so cool a Rate, that there is great Reason to believe, that they are secretly under the Influence of the Ministry; their Thoughts both within Doors and without, are employ'd about nothing but securing their approaching Elections.

You know my Intimacy with 59 and 84, whom I take to be Men of as great Honour and Bravery as any of that Party; I and 215 had three Meetings with them, and endeavour'd to possess them with an Opinion, that it was possible for us to dislodge these People by our own Strength, but they gave us such Answers as shew'd, that neither they, nor their Friends, had ever in good Earnest, entertain'd a Thought of it. They live

live in Expectation of somewhat that is to be done for our Rescue, they know not when nor how, but have not the least Imagination that we are able to do any thing for our selves, and they talk of the Tory Party on this Head with the utmost Contempt.

As to the Whiggs, though many of them have been loud against the Court in the *South-Sea* Affair, and have curs'd the Ministry, &c. openly; yet it is plain, their Resentments begin to sink, and the approaching Election will shew, that notwithstanding their Anger and their Losses, they will stick together; and rather chuse to sit down with that Part which remains to them in the Funds, than hazard all by a new Revolution. This, you may depend upon it, is the State of Things here, and therefore 'tis in vain for you to expect any thing from us.

Corruption, Luxury, and Indolence, have taken universally such Hold of Mens Minds, that they are in no Degree capable of any great and noble Design, nor indeed, willing to run any Danger. This being the Case, judge you, whether it be worth your while to press us any longer upon that Head; turn your Thoughts rather towards serving the Cause, by perswading those about the Regent, that he mistakes his own Interest, if he neglects ours. I know your Power with *us*, to whom the Cardinal listens; could he but be satisfied, that *France* would certainly find its Account in such an Attempt, and could not at the present Juncture fail of Success, the Thing might be done; 5 or 6000 Men would effect it, landing at any Place, at any Time of the Year, whether the Parliament be up or sitting, whether King *George* be at Home or at *Hanover*.

The Regent has manag'd wisely towards holding the Reins still in his own Hands, even after a Majority; But can he be sure of it? May not some Accident happen to restore an injur'd Prince, without his Assistance? And will he not then wish that he had merited his Friendship, and perhaps stand in Need of it on very important Occasions? I do not despair, but sooner or later he may be brought to relish this Sort of Reasoning; if he does not, there is no Hope, as far as I can see, from any other Power upon Earth.

And without some considerable Help from abroad, not a Man here will stir towards rescuing his Country. I speak what I thoroughly know; it is in vain

to use Disguises in a Matter of this Consequence. I am going into the Country about a Month hence, and do not think of returning to Town 'till next Winter. In the mean time, when any Letter comes from you, directed as before, I have taken Care that it shall be safely convey'd to me. I am, with a most entire Regard,

Sir,

*Your ever faithful  
and obedient Servant,*

R. W.

Since the writing of this, 84 has been with me, and inform'd me of a Matter which will convince you how low our Politicks are sunk; and what strange Thoughts Men are driven into, for Want of any thing more solid and reasonable to rest on; 'tis meerly to set this Point in a strong Light to you, that I add the following Account, with which otherwise, I should not have thought it worth while to have troubled you.

I have only my short Cypher of some Names now by me, and therefore, must give you the Account in plain *English*; and I the rather venture to do it, because there is no Danger of spoiling the Scheme by a Discovery.

He says, a Friend of his who was concern'd in the last Transactions with the Czar some Years ago, has undertaken to renew that Correspondence, and thinks he may succeed in it, by some Things that have fallen from Prince Dolgoruky in a Discourse, of which, an Acquaintance of his in *France*, has just now inform'd him.

The Czar, he thinks, having his Hands now free, may be perswaded to enter upon such a glorious Attempt by the Way of *Scotland*, and may propose to himself great Advantages, if he succeeds, by the Assistance our Squadrons may give him towards prosecuting his Designs in the *Baltick*, and on the Continent, to which the *English* Fleet hitherto has been the great Impediment. I ask'd 84, whether this Overture had been made with the Privy of the *Scots* Chiefs abroad? He said, he believ'd not, but there was no Doubt of their Concurrence. I will not trouble you with the Objections I made, which he was in no Sort prepar'd to answer. Upon the whole, I look upon it as an Amusement or Dream, rather than any serious Design, and

and as such I send it to you, with my repeated Request, that you would apply your self to forward at the Court of *France*, what I have urg'd before in this Letter, if that Point be possible to be gain'd ; if it be not, I am satisfy'd, all other Views are Chimerical, and we must sit down contented under our present Yoke; 'till some new Change in the Affairs and Interests of *Europe* shall open a Way towards our Deliverance ; for you may depend upon it (to end as I began) that we are absolutely dispirited and subdu'd here at Home, and neither can, or will attempt to do any thing for our selves.

This is not my single Opinion, for I know not a Man of Consequence here, that does in good Earnest think otherwise ; tho' to humour the Passions of indiscreet Men, we are forc'd now and then to use another Sort of Language.

On *Wednesday*, the 24th of *April*, the House of Peers (according to Order) took into Consideration the Report from the Lords Committees, and the said Report being read, it was resolv'd by the Lords Spiritual and Temporal in Parliament assembled, That this House is fully satisfy'd and convinc'd, that a detestable and wicked Conspiracy has been form'd and carry'd on, for soliciting a foreign Force to invade these Kingdoms, for raising a Rebellion, and inciting Insurrections in *London*, and divers other Parts of *Great Britain*, and even for laying violent Hands on the Sacred Person of his Majesty, and on his Royal Highness the Prince of *Wales*, in Order to destroy our Religion and happy Constitution, by placing a Popish Pretender on the Throne.

After this, it was order'd, that the Thanks of this House be given by the Lord Chancellor, to the said Lords Committees, for their having discharg'd the Trust in them repos'd, with great Exactness, Care, Fidelity, and Candour. Thereupon,

The Lord Chancellor addressing himself to the Lords of the said Committee, (*viz.* Duke of *Montrose*, Duke of *Dorset*, Earl of *Lincoln*, Earl of *Scarborough*, Earl of *Islay*, Lord Viscount *Lonsdale*, Lord Viscount *Torrington*, Lord Bishop of *Sarum*, Lord Bishop of *Lincoln*) gave them the Thanks of the House in the following Words:

My

My Lords who are of the Committee,

**I** Am commanded by the House to give your Lordships the Thanks of this House, for your having discharged the Trust repos'd in you, with great Exactness, Care, Fidelity, and Candour.

My Lords,

The Trust was as great as ever was repos'd by this House in any of its Members. The Subject Matter of your Inquiry, a Conspiracy, the most dangerous as well as detestable, big with Mischiefs of all Kinds, and destructive of every thing that is valuable amongst us; carried on and manag'd in a new devis'd Method, with the utmost Cunning as well as Wickedness, and cover'd with all the Disguises the most artful Dexterity could contrive; and which therefore, requir'd the greatest Penetration and Skill to lay open. And the Papers, some of them of such a Nature, that it was thought fit to refer them to your Lordships, lock'd up as they were, without reading them in the House.

My Lords,

Your Lordships have fully answer'd the Expectations the House entertain'd, when they pitch'd upon you for this Trust.

Your Application in going thro' so many Papers of affected and studied Obscurity; your Candour and Exactness in examining the Persons concern'd, or any way capable of giving any Satisfaction, and in representing what they said; the Accuracy and Judgment of your Remarks; the Light you have so happily given to several Passages in the Report of the Committee of the Commons, which though in themselves just, were yet liable to Cavils, by such as were loth to have the Truth found out, give, I dare say, a sensible Pleasure to every Lord here, that has heard your Report read, and finds himself thereby enabled to form a Judgment with so entire Satisfaction to himself, concerning this abominable Work of Darkness, which the Actors have endeavour'd to surround with impenetrable Obscurity.

This noble Pleasure of seeing the Truth, notwithstanding so many Contrivances to hide it, and of being thereby enabled to come to right Resolutions in a Matter of such Importance, has very naturally and agreeably broke out into so unanimous a Resolution of returning the Thanks of this House to your Lordships, to whom they so much owe it. And in Obedience to their Commands, I do, with particular Pleasure, give your Lordships the Thanks of this House, for your having  
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*discharg'd the Trust in your Lordships Repos'd, with great Exactness, Care, Fidelity, and Candour.*

Having towards the End of the last Register, given an Account of the Bills for inflicting Pains and Penalties on George Kelly, and Francis Lord Bishop of Rochester, having been pass'd by the Commons, we will now proceed to their Tryals at the Bar of the House of Lords.

*The Tryal of George Kelly alias Johnson, at the Bar of the House of Lords.*

ON the 30th of April, Mr. George Kelly was brought from the Tower to the Bar of the Lords House, in order to make his Defence against the Bill to inflict Pains and Penalties upon him, with the Assistance of the Counsel who had been assign'd him, to wit, Sir Constantine Phipps, and Mr. Pratt. After the second Reading of the Bill, Mr. Reeves, and Mr. Wear, were heard to it, who open'd the Nature of the Evidence they had to produce, to prove the Conspiracy in general, and the Prisoner's Part in it, in particular. Mr. Kelly's Counsel rais'd several Objections to both, and in a special Manner, strenuously oppos'd the reading Neynoe's Examination, urging, that being neither taken upon Oath, nor sign'd by him, it ought not to be admitted as Evidence: But as this Objection had already been in Plunket's, so it was easily over-ruled in the present Case. Hereupon, several Informations of Philip Neynoe were read, importing in Substance, That George Kelly, who often went by the Name of Johnson, frequently told him, that the Bishop of Rochester held Correspondences with the Pretender and his Agents, that he (Kelly) was employ'd by the Bishop in writing for him, and carrying on the said Correspondences; that the Pretender rely'd more on Advices from the Bishop, than from any other Person; that the Bishop went sometimes by the Name of Jones, sometimes by that of H-llington, that he had seen several Cyphers in Kelly's Hands, one in Figures, another of fictitious Names, for carrying on the Correspondence with the Pretender's Agents, That the Informant (Neynoe) had been employ'd to draw up three several Memorials to the Regent of France, to solicit him to send Forces to the Assistance of the Conspirators; the last of which was in December, 1721, and contain'd a Demand of five thousand Men,

to be sent to invade these Kingdoms ; and that the Heads of these Memorials were given him by *Kelly*, and one who went by the Name of *Watson*, whom he took to be the late Earl *Marischal*. That in *March* last, *Kelly* brought him (*Neynoe*) the Heads of a Letter, to be drawn up with a Design of its being intercepted \* by the Government, in order to amuse them into a false Security ; that he drew the said Letter in a Paper writ Columnways, and that it was brought back to him, corrected, as he believ'd, by the Bishop of *Rocheſter*. That *Neynoe* farther added, That *Kelly* assur'd him, the Bishop got Notice of his being to be taken up, ſome Days before it happen'd, and that this Notice was given the Bishop by one of the Lords of the Council.

The Counſel for the Bill urg'd, that they had Evidence to produce to prove, that *Neynoe* was intimately acquainted with *Kelly*, and thereby had an Opportunity of being inform'd by him, that the Biſhop of *Rocheſter* was alſo acquainted with *Kelly*, invited him to dine with him, and ſent to enquire after his Health ; And that the ſeveral Particulars contain'd in *Neynoe's* Informations, were corroborated and ſupported, in every material Circumſtance, by ſeveral concurrent Proofs : To which Purpoſe, ſeveral Witneſſes were examin'd.

Then the Counſel for the Bill offer'd to produce the intercepted Letter from Mr. *Kelly* to Mr. *Gordon*, Junior, Banker at *Boulogne*, dated *April* the 22d, 1722, with a Packet enclos'd, conſiſting of three Letters, one to *Chivers* (General *Dillon*) ſign'd *T. Jones*, another to *Musgrave* (Earl *Marr*) ſign'd *T. Illington*, and a third to Mr. *Jackson* the Pretender) ſign'd 1378, dated *April* 20, Part of each of them writ in Cypher, and which appearing by the Matter, to be from the ſame Perſon, and the Letters to *Musgrave* and *Jackson*, being inclos'd in that to *Chivers*, were ſuppos'd to have been dictated to *Kelly*, by the Biſhop of *Rocheſter*. But the Counſel for the Priſoner ſtrongly oppos'd the reading of thoſe Letters as Evidence, and ſeveral Peers, particularly the Lord *Bingley*, took great Pains in examin'g the Decyphers,

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\* The ſaid Letter is inſerted in the Appendix to the Report of the Lords Committees, and in this Register, Page 313.



pherers, Mr. *Willes*, and Mr. *Corbiere*, as to the Rules and Certainty of their Art, they both averr'd, That they had decypher'd the Letters in Question; at a great Distance one from the other, and without their communicating their Keys to each other, or having any Key communicated to them; and that the Rules they went by, were almost as certain and infallible as any us'd in Mathematical Demonstrations: But having at the same Time own'd, that in their several Explications of what was writ in Cypher, there had happen'd some small Variations, (such as the Word *Care*, and to *Provide*, in the one, and *Concern*, and to *Procure*, in the other) a Debate arose, upon the Question, Whether Copies of Letters intercepted at the Post-Office, and decypher'd, should be read as Evidence? The same being carried in the Affirmative, the Counsel for the Bill proceeded in their Evidence, 'till about Nine of the Clock in the Evening, when the House adjourned.

The next Morning ( *May 1st* ) about Eleven a-Clock in the Morning, the House of Peers being sat again, and Mr. *Kelly* brought to the Bar, the Counsel for the Bill produc'd and examin'd several other Witnesses, and then summ'd up their Evidence, which lasted 'till about Four a-Clock in the Afternoon. After this, Sir *Constantine Phipps*, and Mr. *Prat*, made each a long Speech in their Client's Defence, and in particular, shew'd the Danger of such an unprecedented Way of proceeding, without full and legal Proofs, in Cases, where the Lives, Liberties, and Properties of the Subjects are concern'd. After which, they produc'd and examin'd Witnesses, to invalidate the Evidence given for the Bill, and in particular, *Neynoe's* Informations. Among the rest, Mr. *Bingley*, who was taken up at Deal with *Neynoe*, depos'd, That *Neynoe* had several Times own'd to him, that in order to humour those in Power, and to get Money from them, he had told them several Stories of a pretended Conspiracy, that by this Means, he got three or four hundred Pounds from Mr. *Walpole*. And, that among other Drudgeries which Mr. *Walpole* requir'd him to do, he prevail'd with him to convey into one of Mr. *Kelly's* Drawers, a List of Names of Persons concern'd in the Conspiracy; that the said List might be seiz'd, when *Kelly* was apprehended. This being a Charge of a very heinous Nature, upon a Person of so eminent and dis-

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stinguish'd a Character, it was thought proper, that Mr. *Walpole* should have an Opportunity to clear himself; upon which, that Affair was farther adjourn'd to the next Morning.

Accordingly, on Thursday the 2d of *May*, the Commons, upon a Message from the Lords, having given Leave, that Mr. Chancellor of the Exchequer might attend their Lordships House, to be examin'd as a Witness, Mr. *Walpole* upon Oath, gave their Lordships a full Account of the whole Matter. He said, among other Particulars, That on Saturday the 28th of *July*, 1722, he receiv'd a Letter subscrib'd S. T. intimating, that if the Person who wrote it receiv'd Encouragement, he would make considerable Discoveries, and if an Advertisement, acknowledging the Receipt of this Letter, and complying with the Proposal, were inserted in the *Gazette*, the Writer would wait upon Mr. Chancellor of the Exchequer, by the Name of *Walston*. That it being then too late to have an Advertisement inserted in that Day's *Gazette*, the same was deferr'd 'till Tuesday the last Day of *July*. That the next Day, *Neynoe*, according to his Promise, waited upon him, Mr. *Walpole*, who finding him at first very willing and free to tell all he knew of the Conspiracy, and to explain some fictitious Names, made Use of in the Letters intercepted by the Government, unknown to the said *Neynoe*, this Deponent (Mr. *Walpole*) gave him as an Encouragement, first, the Sum of two hundred Pounds, by the King's Order, and afterwards, an hundred and fifty Pounds, at three several Times. To corroborate this Deposition, *Neynoe's* Letter of the 28th of *July*, 1722, and the Advertisements inserted in the *London Gazette*, in Conformity thereto, were produc'd, which fully destroy'd *Bingley's* Evidence: For as *Kelly* was taken up about the Middle of *May*, and Mr. *Walpole* never saw *Neynoe*, 'till the Beginning of *August*, it was impossible for the latter to tamper with *Neynoe* to convey the List of Names in Question, into one of *Kelly's* Drawers, when he should be apprehended.

This Point being over, the Counsel for the Prisoner desir'd, that they might be at Liberty to proceed to examine Witnesses to prove, by several Circumstances, that the Letters, dated *April* 20, 1722, given in Evidence for the Bill, were not dictated by the Bishop of *Rochester*, to the Prisoner, *George Kelly*; but a Motion being

being made for complying with that Desire, the same occasion'd a very warm and long Debate; and the Question being put upon the said Motion, it was carry'd in the Negative, by 82 Voices, against 47. Whereupon several Lords enter'd the following Protestation, viz.

*Dissentient*

1. Because it was insisted on by the Prisoner's Counsel, that the Proof desir'd, was necessary to his Defence, and, if allow'd to be made, would contribute to satisfy the House of the Prisoner's Innocence of the Crimes charg'd on him by the Bill; for which Reason alone, if there was no other, we think, the Witnesses ought to have been examin'd, it being in our Opinions, against the constant Course and Rules of Justice in criminal Proceedings of all Kinds, to preclude the Prisoner's Defence, by refusing to hear his Witnesses, if they are legal and competent; and in Derogation of the Honour and Justice of the House, on this Occasion, to anticipate the Judgment of the House in the least Circumstance which the Prisoner or his Counsel insist on to be material to his Defence, and which may, if prov'd, be of Weight in the Consideration and Judgment of the House.

2. It appears to us to tend directly to prove the Guilt or Innocence of the Prisoner, to discover whether the Bishop of *Rochester* did dictate to the Prisoner the Letters mention'd in the Question, because it was declar'd to the House by the Counsel for the Bill, in opening the Charge against the Prisoner, that the Letters, though wrote by the Prisoner, were dictated to him by a greater Person; And although the Counsel for the Bill, when call'd upon, did not think fit to name that greater Person; yet it being suggested in the Report of the House of Commons communicated to this House, and it being universally suppos'd hitherto, that the Bishop of *Rochester* did dictate the said Letters to the Prisoner, it became, in our Opinions, incumbent on the Prisoner to give the House what Satisfaction he could in that Particular; the same being made a Circumstance, and Part of the Accusation against him, and if falsified, or render'd incredible, might influence the Judgment of the House in other Circumstances.

3. Because the Declaration of *Philip Neyme*, deceased, tho' not sign'd or sworn to by him, hath been allow'd by the House to be read and given in Evidence, in Proof of the particular Facts charged on the Prisoner in the Bill; in which Declaration, the Prisoner is expressly charg'd by the said *Neyme*, to have frequently told him, that the Bishop of *Rocheſter* held Correspondences with the Pretender, and the Pretender's Agents; and that the Prisoner was employ'd by the Bishop in writing for him, and carrying on the said Correspondences, and that he had several Times left Mr. *Kelly* at the Bishop's Door, when Mr. *Kelly* went into the Bishop's House, and staid there an Hour or two; and upon coming back to him, that the Prisoner made Apologies for staying so long, and told him, he had been writing the Bishop's Letters, which he always apprehended to be the foreign Correspondence of the Bishop with the Pretender's Agents; for which Reason also we conceive the Proof desir'd ought to have been receiv'd, because it may be thought a Denial of Justice by this House to the Prisoner, not to permit him to answer, even by legal Evidence, the particular and direct Evidence which the House hath allow'd to be given against him.

4. Altho' the Prisoner may be guilty of a treasonable Correspondence, if he wrote the Letters mention'd in the Question, and the same were not dictated to him by any Person whatsoever; yet the Facts charged in the Bill having been endeavour'd to be prov'd, not by direct Proofs of the Facts themselves, but by Circumstances, in our Opinions, the Prisoner's Defence must be applied to answer the several Circumstances; and it is, as we conceive, equally unjust to deny him the Liberty of falsifying that Circumstance, of his writing the Letters, being dictated to him by the Bishop, as it would be to refuse to allow him to prove, that the said Letters were not, or could not be wrote or sent to the Persons to whom they are suggested or charged to have been wrote or sent, or to refuse him to prove by Circumstances, that the Prisoner himself did not, or could not write the same at the particular Times and Places, the same are suggested to be so wrote or sent by him, or to deny him Liberty to falsify by Circumstances, any other Circumstance relating to the supposed treasonable Correspondence charg'd on him by the Bill.

5. The Counsel for the Bill having alledged, as one Reason against the Examination desir'd, that they were not prepar'd to answer that Evidence, might have been a Ground for the House to have allow'd them a reasonable Time for such Preparation; but, in our Opinions, that Consideration ought not to weigh against the Prisoner giving the Evidence to the House which he was prepar'd to give, especially since it was alledged, that the Examination now desir'd, was desir'd on the Prisoner's Part, to have been made at the Bar of the House of Commons, and thereby so long ago publicly notified by the Prisoner.

6. Because the Refusal of the Proof of any Circumstance of the Prisoner's Defence, if such Refusal be not just, must, in its Consequence, affect the Justice of this whole Proceeding against the Prisoner; because it deprives the House of the Liberty of forming a Judgment upon the whole Case, and tends so far as that Particular goes, to subject this Proceeding against the Prisoner to the Objection of Partiality, which is most highly dishonourable to this House, especially considering the Latitude which hath been allow'd in other Parts of the Examination, on this Occasion.

<i>Arundel,</i>	<i>Craven,</i>	<i>Fr. Cestrien.</i>
<i>Pomfret,</i>	<i>Wharton,</i>	<i>Foley,</i>
<i>Northampton,</i>	<i>Cowper,</i>	<i>Montjoy,</i>
<i>Leigh,</i>	<i>Willoughby de Br.</i>	<i>Osborn,</i>
<i>Berkeley de Str.</i>	<i>Brook,</i>	<i>Compton,</i>
<i>Middleton,</i>	<i>Weston,</i>	<i>Bruce,</i>
<i>Salisbury,</i>	<i>Ashburnham,</i>	<i>Lechmere,</i>
<i>Hay,</i>	<i>Gower,</i>	<i>Dartmouth,</i>
<i>Strafford,</i>	<i>Poulet,</i>	<i>Bingley,</i>
<i>Scarsdale,</i>	<i>Guilford,</i>	<i>Aylesford,</i>
<i>Starwell,</i>	<i>Denbeigh,</i>	<i>Uxbridge,</i>
<i>Bathurst,</i>	<i>Litchfield,</i>	<i>Tadcaster,</i>
<i>Trevor,</i>	<i>Anglesey,</i>	<i>Exeter,</i>
<i>Masham,</i>	<i>Cardigan,</i>	

The Counsel for the Prisoner having made some further Observations on the Evidence given for the Bill, and summ'd up their own Evidence, Mr. Kelly spoke as follows;

*My Lords,*

**S**INCE my Counsel have so fully answer'd every Article allc'dg'd against me, it may seem unnecessary to take up your Lordships Time, by saying any thing for myself. And indeed, it would be so, if my Charge were ordinary or particular. But, my Lords, I have been represented as a Person doubly guilty; 1<sup>st</sup>, in transacting Treason for myself, and 2<sup>dly</sup>, in doing it for other People. These are Crimes of the most heinous Nature; and if they were as clearly prov'd, as they have been strongly asserted, I should justly merit your Lordships highest Displeasure, and all the Pains and Penalties you could possibly inflict upon me.

And since my Charge is so very extraordinary; since these Proceedings seem to be without any Precedent; and that the Innocence of other Persons calls upon me for publick Justice; I believe, your Lordships will easily allow, that to be silent in such a Case, would be truly criminal, and too justly censur'd.

To enter into all the Particulars of my Accusation, would take up more Time than is reasonable for me to ask, or for your Lordships to allow: And tho' the many Inconsistencies, Contradictions, and false Conclusions, which appear in almost every Page of the printed Reports, plainly shew the Weakness, Absurdity, and Sophistry of them; however, I shall only beg Leave to touch upon those material Parts which relate to myself, and my Defence to them.

The first Article which I find myself charg'd with, is the employing of one *Neynes* to draw up three Memorials to the Regent of *France*, to sollicite foreign Forces to invade this Kingdom. And for Proof of this, the Examinations of the same Person, which are neither upon Oath, nor so much as sign'd by him (and whom the Committee of the Honourable House of Commons have represented as a very infamous Fellow) are the only Evidence assign'd against me.

This, my Lords, is the Crime! and this the Proof! And tho' the bare mentioning of it might be sufficient to convince your Lordships of its Weakness; however, since so great a Weight has been laid upon this Kind of Evidence, in another Place, it will be necessary to be a little more particular about it.

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The two first of these Memorials (*viz.* those before and after the *South-Sea Scheme*) are but slightly mention'd; But the one, pretended to be drawn up in *December, 1721*, (and containing a Demand of 5000 Men) and a Letter, said to be written the *March* after (to amuse the Government into a false Security) are the chief Things upon which any Stress is laid. And how false both these Allegations are, has evidently appear'd to your Lordships: For had my Accuser been really employ'd to draw up any such Memorials, it is reasonable to believe, that he would have Copies of some, and especially of the last of them; since a Person who turn'd Informer so suddenly after, may very well be presum'd to have had Thoughts of it for some Time before; and such Papers would, no Doubt, give great Weight to his Information. But the Ministry have produc'd no such Copies; neither do they pretend to have them, which is a very great Indication, that there never were any such Memorials at all.

Besides, There are no two of his Examinations of a Piece. Nay! He contradicts himself in almost every one of them. For in his second Examination, he says, that these Memorials were all drawn up by the Order of one *Henry Watson* (whom he really did not know, but took to be the late Earl *Marischal*) without making the least Mention of me. In his third Examination, he says, they were deliver'd to me and *Watson*; and in his Fourth, he says again they were all drawn up by the Order of *Henry Watson* only; and in a few Lines after, contradicts himself, and says, that the Heads of them were given to him by me and *Watson*: Which are such Inconsistencies, as (your Lordships will easily grant) are not to be reconcil'd: And if his Memorials were no better drawn than his Examinations, I believe, they were not likely to meet with any great Success.

As to the Earl *Marischal*, how reasonable it is to believe, that a Person in his Circumstances, should venture to come into *England*, and live so openly here, as to intrust himself, and a Secret of this Nature, to a Fellow, who (by his own Confession) did not know him, is humbly submitted to your Lordships. And as for my Part, it is very plain, I could have no Hand in them, since the Minutes in my Pocket-Book, (in which I could have us'd no Disguise) agreeing with the concurrent Testimony of several Witnesses, plainly shew, that

that I was not in the Kingdom, at the Times in which my Accuser pretends to have been so employ'd. For by those Minutes, and their Testimony, it appears, that I went to *France* the 23d of *November*, 1721, and did not return 'till the latter End of the next Month; and my Accuser himself, owns in his first Examination, that he did not see me after my Return 'till the *January* following; which makes it impossible, that he could have been so employ'd by me in *December*, since I was most Part of that Month out of the Kingdom; and the few Days of it that I was here, he owns he did not see me.

Nor have the other Parts of his Information relating to the Letter (which he pretends to have drawn up in *March*) better Grounds—— For by the same Minutes, and by the same Evidence, it likewise appears, that I went to *France* the 22d of *February* after, and did not return 'till the Middle of *April*, which makes it as impossible, that he could have been employ'd by me in *March*, since I was then likewise out of the Kingdom. Had this Examination been taken at any Distance of Time, it is possible, he might be mistaken in it; but his first Information must have been about the Middle of *April*, soon after my Return from *France*; for he confess'd to the Person taken up with him at *Deal*, that he was the first who set the Ministry upon intercepting Letters. And the first Letters so intercepted, are own'd in the 42d Page of the Report made to the Lower House, to have been the 22d of *April*, 1722. And surely he cannot be suppos'd to have forgot so soon, what happen'd the very Month before; especially, since he has been so particular, as to name the very Day, (*Saturday*) upon which, he says, this Letter was so drawn up. By all which, it plainly appears, that this Article is not only groundless, but evidently false; and likewise, that he had no such Intimacy with me (as the Report pretends) since he has declar'd I never spoke to him of the Conspiracy; and that I could be a Month at one Time, and two Months at another, out of the Town, without his knowing any thing of it. As to what 'is said to his coming sometimes to my Lodgings, I believe it may be true; but it has been fully prov'd, that his Visits were never to me, but always to another Person who lodg'd in the same House. And I do solemnly affirm to your Lordships, that I never was acquainted with the late *Earl Marischal*, or with any such



such Person who went by the Name of *Watson*; that I knew very little of my Accuser; so little, that I am confident, I never spoke to him ten Times in my Life; nor ever employ'd him in this, or any other Affair whatsoever.

The second Article charg'd upon me, is *The carrying on of a treasonable Correspondence for the Bishop of Rochester*. And, for Proof of this, the Examination of the same Person is the only Evidence produc'd against me, where in he says, that I frequently told him, the Bishop was concern'd in such a Correspondence, and that I managed it for him; with other Particulars not worth mentioning. How reasonable it is, that I should tell such a strange Untruth to a Person that I knew so very little of, and what Credit ought to be given to his bare Assertion, who has affirm'd such gross and notorious Falsehoods in the former Article, must be submitted to your Lordships. And in my present unhappy Situation, I cannot but think it a very great and singular Happiness, to have so publick and honourable an Occasion of purging myself from so vile a Calumny, and of doing Justice to that most worthy and learned Prelate.

And I do solemnly declare to your Lordships upon the Faith of a Christian, that I never wrote or receiv'd a Letter of any Kind for the Bishop of Rochester, or was privy to any Correspondence of his, at Home or abroad; That I never shew'd him any Letter that ever I wrote to France, or ever sent one there by his Privy or Direction; That I am very little known to his Lordship, went very rarely to wait upon him, so rarely! That I am confident, few of his Servants know either my Name or Face; and have not seen him above three or four Times these two Years past, and not above eight or ten Times in my whole Life.

I do farther declare, that my Visits to his Lordship were always publick; that I never went privately in a Chair to his House; always found other Company with him, who were generally Strangers to me; and never once mention'd his Name, upon this or any other Account, to the Person who has thus accus'd me. Which, with the Evidence that has been produc'd of his own Confessions to that Purpose, is, I hope, sufficient to convince your Lordships of the Truth of it.

And as for the Dog, which has been brought as a Circumstance to prove this Matter, I do, in the same

solemn Manner declare, that he was given me by a Surgeon at *Paris* (*whose Affidavit has been offer'd to be produc'd*) and who, at that Time, I do verily believe, never heard of his Lordship's Name; and that he never was design'd for any Body but the Person I gave him to. And I appeal to the very Ministers themselves, if the *British Resident at Paris*, (who is constantly attended by that very Surgeon, and examin'd him about it) has not confirm'd the Truth of this Account to them. I do farther affirm, that the Bishop of *Rocheſter* never ſaw him; never receiv'd any Letter or Meſſage by me, nor (do I believe) by any other Perſon about him: Neither did I ever know or hear, that his Lordſhip had any Intercourſe or Correſpondence with the late Earl of *Mar*, or any other diſaffected Perſon abroad.

*My Lords,*

It cannot be imagin'd, that I have any particular Intereſt or Concern in this Matter, for I never receiv'd any Favours from his Lordſhip, neither do I owe him any Obligations, but thoſe of common Juſtice; and thoſe I ſhould perform, where I have ſo much Truth on my Side, to the greateſt Enemy I have upon Earth. As for the other Circumſtances brought to ſtrengthen my Accuſer's Examinations, and that are ſet forth in one *Pancier's* Depoſition, they will appear, I don't doubt, as groundleſs and inſiſtent, as the Examinations themſelves. For this Perſon ſwears, that another told him of this Conſpiracy; that ſix or eight Battalions of *Iriſh* Forces were to come from *Spain*, to aſſiſt the Conſpirators: That 200,000 *l.* were rais'd, and 800 Men regularly ſubſiſted for this Purpoſe in *London*. Theſe, my Lords, are call'd in the 38th Page of the Report of the Lower Houſe, the concurrent and corroborating Proofs of my Accuſer's Examinations: And I humbly appeal to your Lordſhips, if any one of them carries the leaſt Colour of Reaſon or Probability with it. For, can it be imagin'd, that ſuch a Force ſhould come from *Spain*, when there appears to be ſo ſtrict a Friendſhip between the two Kingdoms? Or, that 200,000 *l.* could poſſibly be rais'd among all the Diſaffected in *England*, in Caſe there was a Licence for it? Or 800 Men regularly ſubſiſted in this City, without a Diſcovery? Theſe are ſuch idle inſiſtent Tales, as (I am perſwaded) can never have any Weight with your Lordſhips. Beſides, my Lords, this is only bare Hearſay; and if the Hearſay of ſuch infamous Perſons (or indeed of any Perſons)

be

be look'd upon as sufficient Evidence, I believe, no Man in *England* can be sure of his Life or Liberty an Hour, since any two People may talk him into High-Treason whenever they please; and the greater the Person is, the greater his Danger always will be.

The third Crime which I stand charg'd with, is the writing of three treasonable Letters for the Bishop of *Rocheſter*, ſuppos'd to be for the Pretender, the late Earl of *Mar*, and General *Dillon*; which Letters are ſaid to have been ſent by me to Mr. *Gordon* at *Boulogne*, with Directions to be deliver'd to one Mr. *Talbot*. And for Proof of this, the Clerks of the Poſt-Office are produc'd, who ſwear, that thoſe Letters were (to the beſt of their Knowledge) written in the ſame Hand with an Original which was ſtopp'd as a Specimen of it; which Original has been ſworn by two Perſons to be my Writing, and conſequently thoſe Letters muſt be ſo too.

*My Lords,*

Theſe Letters are dated the 20th of *April*, and the Specimen ſo ſtopp'd, the 20th of *Auguſt*; juſt four Months after. And how it is poſſible for People (who receive ſuch a Number of Letters) to ſwear to a Likeneſs of Hand, at ſuch a Diſtance of Time; and what Weight ought to be laid upon this Kind of Evidence, or upon that modern and myſterious one given by the Decyphers, in which they don't pretend to a Certainty themſelves, muſt be ſubmitted to your Lordſhips. And as to the Perſons who have ſworn to my Hand, I hope it will be conſider'd, that one of them is a Meſſenger, who never ſaw any of my Writing, but the Suſcriptions of a few Letters, which (your Lordſhips may eaſily ſee) do not bear the leaſt Likeneſs with what he has ſworn to. Beſides, this very Perſon was turn'd out of his Employment upon my Account, and a few Days after he gave this Evidence in the Houſe of Commons, I ſaw a Paragraph in the News-Papers, that he was reſtor'd to it again. And as to the other, it is to be hop'd, that it will likewiſe be conſider'd, that he is a Servant who attended me only about 3 Weeks, and was turn'd off for an infamous Action, which he has acknowledg'd himſelf to have been guilty of: Beſides, he has confeſs'd, that he never ſaw me write, but as he went backwards and forwards in the Room, and at ſuch a Diſtance, as not to be able to diſtinguiſh one Character from another; And it has been prov'd by two Witneſſes, (one

of which was a particular Friend of his own) that he declar'd, he never knew any thing of my Hand, but was threatned by the Secretary of State into an Affidavit, which has been printed in the *Appendix*. And if that Paper had been my Writing, it is impossible they could be reduc'd to a Necessity of making Use of such improper Evidence, since no Pains have been spar'd to procure better; since Numbers of People have been taken up, confin'd, and examin'd to this very Point; and *Newgate* sent to more than once for Witnesses to it. And though it might be prov'd by the very Report of the Lower House, that those Letters could not have come from the Bishop of *Rocheſter*; however, my Business is only to convince your Lordships, that I was not the Writer of them; and of this, I believe, it is impossible to give clearer Proofs than I have done: For if those Letters had been dictated to me the twentieth of *April* (as the Report pretends) it must have been at his Lordship's House in the Country; since it appears by the Deposition of his Coachman, that he went there the 12th of that Month, and did not leave it till the 5th of *May*.

But it has been prov'd, that I was in *London* all that Time, and if it had been permitted, there is not a Person in the Bishop's Family, but would testify, that I was not then at his House in the Country; and consequently could not have writ any such Letters for him. Besides, I have brought several Persons of Credit and undoubted Characters, who have all testified, that the Hand in which those Letters are said to be written, is not mine, nor any thing like it.

An Affidavit has been produc'd from Mr. *Gordon*, that he never receiv'd any such Letters from me, nor ever had any Correspondence, or even an Acquaintance with me.

And it has been likewise prov'd, that Mr. *Talbot*, to whom those Letters are said to be deliver'd, by Mr. *Gordon*, was in this Town the very Day upon which they are said to have been deliver'd to him at *Boulogne*. And if I had any such Letters to transmit, can it be imagin'd, that I would trust them to the common Post, when I had so good an Opportunity to send them by, or direct them to *Boulogne*, when the same Post might as well have carried them to *Paris*? These are such full, such evident Proofs, as I hope, cannot fail of giving your Lordships

Lordships the utmost Conviction in this Matter, and consequently, that this Article is, like the rest, both groundless and manifestly false.

But if any Credit is to be given to the Confessions which my Accuser made to the Person taken up with him, it is very plain, that those Letters came from another Quarter; and to say no worse, were at least calculated to carry on his own base and villainous Designs.

For it has been prov'd to your Lordships, that he confess'd to have been employ'd by one of the Ministers, receiv'd 300*l.* from him, and was to have 2000*l.* more. That this Minister declar'd a personal Prejudice, upon some private Account, to the Bishop of Rochester; *was resolv'd to pull down the Pride of that haughty Prelate, and to squeeze me* (as I think the Expressions were) or to that Purpose.

*My Lords,*

I say, if any Credit is to be given to this Confession, there can be no great Difficulty in tracing out the Source of this Part of the Conspiracy; and I am heartily sorry to say, that there are some Circumstances which seem to give but too great a Countenance to the Truth of it. For, my Lords, he made this Confession at a Juncture, when he may very well be suppos'd to have spoken in the Sincerity of his Heart, when he saw his Villainy detected, believ'd himself to be in the greatest Danger, and depended upon the Person's Assistance (to whom he made it) to help him out of his Misfortunes. — And how particular this Prosecution is, and how sufficiently I have been *squeez'd*, are Things but too visible, and too well known to the World.

Besides, the very Cypher by which those Letters were written, (*and which he own'd to have receiv'd from that Minister*) was actually caught upon the Person to whom he gave it; and he confess'd, that he put a Paper of Directions into one of my Drawers, by which (the Report says) most of the treasonable Letters were addressed. And it has been prov'd to your Lordships, that those Drawers were constantly open, and that he made some Pretext for being alone in my Lodgings, the very Night before I was first taken up. And since he was the first that set the Ministry upon intercepting Letters, which he said were mine; it is very extraordinary, that such a material Part of his Evidence should be omitted in his Examination; or that the very first Letters,

ters, so intercepted, should be those alledg'd against the the Bishop of *Rocheſter* : And if the Originals of thoſe three Letters were ſtopp'd, I don't at all doubt, but they might be prov'd to be my Accuſer's own Hand-writing. And how ſtrong a Senſe he had of his Guilt, by attempting an Eſcape, which prov'd fatal to him ; and how viſibly the Hand of God has interpos'd in that eminent Prelate's Favour, by taking one of the Perſons (deſign'd for his Deſtruction) out of the World, and giving the other Grace and Virtue enough to withſtand all Temptations to his Prejudice, are Things highly worthy of your Lordſhips juſt and moſt ſerious Conſideration, and no ſmall Indication of his Innocence. And as to the Money which my Accuſer own'd to have receiv'd ; that there was a very ſudden and extraordinary Change in his Condition ; that from the loweſt State of Poverty and Want, he ſoon arriv'd to that of a vicious and moſt profligate Affluence, is a Truth ſufficiently known to all thoſe that were acquainted with him. But from whence this Change proceeded, or what real Grounds he had for aſperſing that Honourable Perſon, I will not pretend to ſay : But if thoſe Aſperſions be falſe (as I wiſh they may) it may be juſtly inferr'd, that a Fellow, who was capable of vilifying one Perſon, may very well be judg'd as capable of doing ſo to another ; and if his Veracity is not to hold good in one Caſe, there can be no Reaſon for allowing it in the other.

The fourth Crime alledg'd againſt me, is a Number of intercepted Letters, ſuppos'd to be written to and receiv'd from the late Earl *Mar*, General *Dillon*, and other diſaffected Perſons abroad. And for Proof of this, a *Frenchman* has been produc'd, who ſwears, that he once ſaw me take up a Letter at *Burton's Coffee-Houſe*, by the Name of *Baker* ; which Name (it is ſaid) ſome of the treaſonable Letters were addreſs'd by ; and was in a Paper of Directions, found in my Lodgings. — How that Paper came there, has been already prov'd ; and as to the Perſon who has ſwore to this Particular, I muſt obſerve, that when he gave this Evidence to the Houſe of Commons, he did not know me, though he ſpoke to me, and look'd ſeveral Times earneſtly at me ; and for the Truth of this, I can appeal to moſt of the Members of that Honourable Houſe, who were witneſſes of it : And he would ſtill have probably continu'd in his Ignorance, if ſome private  
Hints,

Hints, (as I have been told) were not given him, or the same Method taken which has been done with a Number of other strange Fellows who were frequently sent to the Tower, and had no other Business but to take a View of me. Besides, the People of the Coffee-house have testified the contrary, and that no such Letter ever came to their House. And tho' it be set down in my Examination before the Council, that I confess'd to have taken up such a Letter, I humbly appeal to my Lord Chancellor; (if it can be worth his Lordship's while to recollect it) If he did not ask me that very Question two or three Times? And if I did not as often deny it? Neither is this the only Particular that is falsely set down in that Examination. And I do solemnly affirm to your Lordships, that I never did receive any such Letter, nor ever saw that Paper of Directions, 'till it was printed in the Report. And there is one Circumstance pretty remarkable in this Correspondence, that as it began with my Accuser's Information, so it ended with his being taken up. For immediately after, a new Correspondence is pretended to be discover'd; and to fix this likewise upon me, it has been suggested, that I sent Cyphers by Sir *Harry Goring* to *France*, and had Letters directed by them to *Sturges's*, and *Slaughter's* Coffee-house.

But, my Lords, no such Cyphers were found in my Custody, nor any Papers relating to such a Correspondence, and the People of those Coffee-houses have all sworn, that I never order'd any Letters of that Kind to be taken in, or receiv'd one either by my own, or any other Name, from them. Nay! one of them has sworn, that no such Letters ever came to his House at all; and the other says, that a Messenger from the Secretaries Office, was the only Person that ever call'd at his House for those directed to it.

As to the printed Examination of one Mr. *Caryl*, to this Purpose, it were to be wish'd, that this Gentleman's Reasons had been publish'd, as well as his Accusation. For I am confident, he will not pretend to say, that ever he saw me write a Line in his Life, or give a Piece of Paper of any Kind to Sir *Harry Goring*; and what Reason he could have for believing that we settled a Key for such a Correspondence, is very extraordinary: Nor have the other Particulars which he has affirm'd, the least Foundation of Truth; for I do solemnly averr, that I never saw *Sample* in my Life, or gave

gave Captain *Bonin* any such Letter of Recommendation: Neither had I ever the Honour of speaking to my Lord *North* and *Grey*, or of being any ways known to his Lordship; and that I should mention him so familiarly by the fictitious Name of *Johnson*, (and which, of all Names, I should never make Use of in that Manner) will, I hope, appear very incredible to your Lordships; especially since Mr. *Caryl* himself has furnish'd so good a Reason for the Disbelief of it.

For he has likewise affirm'd, that my Examination before the Council was read at Dr. *Yalden's* House; The Doctor has indeed already done me Justice in that Point; and Mr. *Tucker* (who was all the while in Company) will, I am very sure, do the same. And since Mr. *Caryl* appears to be so plainly mistaken in that Particular, surely he may very well be suppos'd to be so in all the rest, especially since he has not assign'd the least Reason for any of 'em.

As to the rest of the intercepted Letters, the People of the several Coffee-houses have likewise clear'd me from them; and all testify, that they never deliver'd me any such Letters, or receiv'd any Directions from me about them; which, I hope, will be sufficient to convince your Lordships, that I was not concern'd in any such Correspondence, especially since no Letters of this Kind were found in my Possession, nor any other Papers relating to the Conspiracy.

There are two other Crimes, in which I most humbly crave your Lordships Patience to be heard, because they are the blackest that can be imagin'd, and seem to be personal. The First is a Letter directed to Mr. *Gordon* at *Boulogne*, with two Affidavits, which have been printed, and are suggested to be sent by my Directions, in order to have him and one *Birmingham*, perjure themselves upon my Account: — For in this Letter, it is said, 'That the enclos'd is a Copy of a Note from the Person concern'd with what he thinks requisite.

*My Lords,*

This Letter is dated the 20th of *March*, at which Time, and for five Months before, I never was allow'd the Use of Pen, Ink, or Paper, or the Liberty of seeing any Person that could possibly have convey'd such a Note for me; for I have been guarded in a different Manner from other People in the Tower: My Warders were put into the very Room with me, and order'd never to stir

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for a Moment, Night or Day, out of it; which Orders they punctually obey'd, and were constant Witnesses to all my Actions.

And those Warders will depose, that they believe, it was impossible for me to have written or sent out any such Directions; and the Officers, I don't doubt, will do me the same Justice. And when my Solicitor was admitted, finding that Mr. Gordon's Affidavit might be of Use, if allow'd as Evidence, a Person was immediately dispatch'd, and who brought it in a different Form from those which have been printed. And my Solicitor can testify, that no Draughts were sent by him; which, with the gross Management of the Persons concern'd in this Affair, is, I hope, sufficient to give your Lordships the clearest Conviction of my Innocence in it. And I do solemnly affirm, that I never knew any thing of them; never heard of the Name of Aikenhead before; nor can I find out any Person (besides the Master of that Vessel) that ever did.

The other Crime is set forth in one Levett's Deposition in the Report made to this most Honourable House: Wherein (among a great many other most notorious Passages) she swears, that one Mrs. Barnes told her, that I was instrumental in, or privy to, the shutting up of a Person in a Dungeon, for Fear of his turning Informer; and not only of him, but of two more upon the same Account; which, I believe, is the most surprizing Crime that ever yet was alledg'd against any Christian. Mrs. Barnes denies every Syllable of this Conversation; and if the Person that swears this against her, had been produc'd, she would be prov'd to your Lordships, to have been a vile infamous Creature all her Life. And if she is to be believ'd, or that your Lordships can think it possible there can be the least Truth in her Deposition, it will be a Sin to let me live, and impossible to find out a Punishment too cruel for me.

These, my Lords, are the chief Crimes which I am charg'd with; and very great ones they are, had they been in any Degree made out against me. I am a Stranger to the Methods of legal Proof, but have been told by my Counsel, that the greater a Person's Crime is, the clearer the Evidence ought to be against him; and how weak and insufficient the Proofs produc'd for this Purpose are, and how clear and convincing those which have been offer'd in my Justification, has, I hope, evidently appear'd to your Lordships, and given you entire Conviction of

my Innocence ; and that all the Crimes alledg'd against me, are without the least Colour or Foundation of Truth. But how much I have suffer'd for these supposed Crimes, and what extraordinary Means have been made Use of against me, are Things much worthier of your Lordships judicial Consideration. To be taken up, and held to exorbitant Bail, without ever assigning any particular Crime against me ; to suffer a long and close Confinement, where the Expence bears no Proportion to my Circumstances ; to have Numbers of People, and some of them Creatures of the meanest Rank and Condition, taken up, examin'd, and tamper'd with, upon my Account, and *Newgate* sent to for Witnesses ; to have a Servant (who was turn'd off for his ill Behaviour) brought as an Evidence ; and my most intimate Friends imprison'd for not swearing against me, are Hardships and Proceedings, I believe, hitherto unheard of in *England* ; and such as, I hope, your Lordships will, in your great Wisdom and Justice, think fit to redress. All which is of a Piece with an infamous Offer made to myself by one of the Under-Secretaries of State, who, the Morning after I was first examin'd, came to me with a Message (as he said) from one of his Superiors, to let me know ' That I had now a very good Opportunity of ' serving myself, and that he was sent to offer me my ' own Conditions.' And when I declar'd myself an entire Stranger to the Conspiracy, and was sorry to find that Noble Lord have so base an Opinion of me, he seem'd to wonder, that I would neglect so good an Occasion of serving myself, *especially when I might have any thing I pleas'd to ask for.* What Authority that Person had for this Message, or the rest of his After-Proceedings, I will not pretend to say : But as I have been ruin'd and utterly undone by them, I hope your Lordships will take my Sufferings as well as Circumstances into your Consideration ; and instead of inflicting any farther Pains or Penalties, look upon me (as I really am) a Person highly injur'd, and not a Criminal concern'd in any Transactions against the Government. As for my Circumstances, they are but too well known in the World.

And here I cannot omit my Gratitude to the late and present Constables of the Tower ; for the late Constable (though I never had the Honour to see his Lordship) was, upon a Representation of my Circumstances, so very good, as to procure me the Promise of an Allowance from

from the Government; and his Lordship, the present has been so kind as to get it paid: But the Officers of the Place can testify, that this Allowance has not been converted to any private Use of mine, but constantly given to the Persons appointed to attend me. And I must take Leave to assure your Lordships, that it has cost me more since I was sent there, than the Government have now left me really worth in the World; and I must suddenly become a Sacrifice to my Necessities, if not set at Liberty by your Lordships great Clemency and Compassion.

If I have dropped any Expressions which may not be so agreeable to some particular Persons in Power, I could wish that my Defence had not laid me under that Necessity: And I do solemnly protest, that they have not proceeded from any Resentment for my Sufferings; but from a sincere Endeavour to give your Lordships the clearest Conviction of my Innocence. And since I could not merit their Favour, I shall always endeavour to preserve their good Opinion.

As to the Legality of these Proceedings, and the Danger of making Precedents of this Kind, those are Things which have been already fully set forth by my Counsel, and must be submitted to the great Wisdom and Jurisdiction of this most illustrious Assembly: An Assembly! Which is not only the Highest and most Honourable, but the Uprightest and most Impartial, I believe, upon Earth; and whose Justice has ever appear'd as extensive as their Power. The great, and the only Argument, which I have heard offer'd for the passing of this Bill, is, that the Occasion is extraordinary; that your Lordships are in your legislative Capacity; and though the Proofs may not be so legal, however, *in Terrorem*, it is necessary to pass it. But I humbly beseech your Lordships to consider, where the Extraordinariness of this Occasion lies; ———— Has there been the least Commotion in any Part of the three Kingdoms? Or any Person injur'd in his Liberty or Fortune, besides those who have been so unhappy as to fall under this Suspicion? Or is this Occasion more extraordinary than when there was a publick Insurrection in the Kingdom? And when the Persons concern'd in it, were try'd by the common and ordinary Courts of Justice? And because your Lordships are vested with a supreme Authority, and not ty'd up to the common Forms or Laws, can that be a Reason for your acting

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directly

directly contrary to it? And to suppose your Lordships capable of doing so, was not, I must say, so becoming an Argument to have been offer'd upon this Occasion. And to have a Session, which open'd with so mild, so gracious a Speech from the Throne, and in such an extraordinary Manner, must surely be very contrary to the Design and Intention of the Throne at that Time; and is, I hope, so still; especially, since no intervening Accidents have happen'd to ruffle the Quiet and Tranquillity of the Kingdom.

*My Lords,*

The first extraordinary Bill that I believe, ever pass'd in *England*, was that of the Earl of *Strafford*; and how much personal Prejudice was in his Prosecution, and how fatal that Bill prov'd in its Consequences, I need not mention; since the Royal Martyr himself, has, in his dying Words, called it, An unjust Sentence, and imputed all his Misfortunes to it. And pray, my Lords, why was that Sentence unjust, but because it was not supported by Law? — And to the eternal Honour of this House be it said, that when the Proofs upon his Tryal were not found legal, they refus'd to find him Guilty. But when this extraordinary Method was taken, and the Torrent of the Times bore down their usual Justice, then the Floodgates of all those Miseries were open'd, which overwhelm'd and sunk the Constitution: And of which some of your noble Predecessors had so strong and lively a Sense, as to declare in this very House, that they would be sooner torn in Pieces, than come into such illegal Proceedings; and so sell a Sacrifice to the Love and Laws of their Country.

To which I shall only beg Leave to add one Observation, that I am sure, is but now too well known to that Right Reverend Bench: — That of all the Prelates who advis'd his Majesty to the passing of that fatal Bill, not one of them escap'd the Violence of those very Persons whom they endeavour'd to oblige by that Advice. These, my Lords, were the unhappy Effects and fatal Consequences of one extraordinary Bill: And what those of another may prove, the Great Director of all Things only can foresee!

Many are the Arguments which might be brought to shew the great Injustice, as well as Inconveniencies

of these Laws in particular: But as my Liberty can be of no great Moment to the World, I shall only beseech your Lordships, not through me, to give a Wound to the Constitution, which, perhaps, may not so easily be cur'd. The great Characteristick which distinguishes *England* from the rest of the Neighbouring Nations, is, the Excellency of her Laws, of which, your Lordships are the Great Guardians: And if you suffer those Laws to be broke in upon, and render Life or Liberty so precarious, as to be affected or taken away, by every idle Hearsay, that Excellency must soon disappear, and the best Form of Government now upon Earth, consequently sink into Anarchy and Confusion.

*My Lords,*

The Words of my Bill are very severe, and do not bear the least Proportion to the Proofs which have been produc'd against me: And I humbly hope, that my past Sufferings will be look'd upon as a sufficient Punishment; especially, since it is not pretended, that I have transgress'd any Law yet in Being. I propose no great Happiness in this Life, and would willingly avoid as much Misery as I could: And must therefore humbly beseech your Lordships, to look upon me as a Stranger in your Kingdom, and a Person (as really I am) inconsiderable in myself; and consequently, incapable of doing the least Prejudice to any Government. For my Behaviour, I am willing to give the best Sureties that I am able: But if that be not approv'd of, I hope, your Lordships will give me Leave to retire to some other Part of the World, where I may enjoy my Poverty with Freedom. But let my Fate be what it will, I shall ever pray for your Lordships particular Welfare, as well as the general Prosperity of the Kingdom.

And so resign myself with the utmost Humility, to your Lordship's great Clemency, Justice, and Compassion.

This Speech made a notable Impression on that Noble Assembly, but it being near Twelve a-Clock at Night, the Conclusion of that Affair was put off 'till the next Morning, (*May 3,*) when the House of Peers being sate, the *Bill to inflict Pains and Penalties on George Kelly alias Johnson*, was read the 3<sup>d</sup> Time. Hereupon the Lord *Bathurst* offer'd a Rider to be added to the said Bill, which was read by the Clerk as follows: viz.

Pro

‘ Provided always, that if the said *George Kelly* alias *Johnson*, shall, at any Time, give Security, such as shall be approv’d of by the two Chief Justices, that he will, within one Month, depart his Majesty’s Dominions, and not return again without the Licence of his Majesty, his Heirs and Successors, then the said *George Kelly* alias *Johnson*, shall be at Liberty to depart, any thing in this Act to the contrary notwithstanding.

And a Motion being made, and the Question put, whether the said Rider should be read a second Time, it was carry’d in the Negative by 83 Voices against 38; upon which, the following Peers enter’d their Dissent, viz.

<i>Osborne,</i>	<i>Strafford,</i>	<i>Foley,</i>
<i>Anglesey,</i>	<i>Alesford,</i>	<i>Exeter,</i>
<i>Craven,</i>	<i>Salisbury,</i>	<i>Berkeley, de Str.</i>
<i>Gulford,</i>	<i>Poulet,</i>	<i>Compton,</i>
<i>Stowell,</i>	<i>Bruce,</i>	<i>Uxbridge,</i>
<i>Northampton,</i>	<i>Ashburnham,</i>	<i>Arundel,</i>
<i>Middleton,</i>	<i>Dartmouth,</i>	<i>Cardigan,</i>
<i>Gower,</i>	<i>Masham,</i>	<i>Montjoy,</i>
<i>Fr. Cestrien,</i>	<i>Weston,</i>	<i>Willoughby de Br.</i>
<i>Scarsdale,</i>	<i>Hay,</i>	<i>Bingley,</i>
<i>Trevor,</i>	<i>Brook,</i>	
<i>Bathurst,</i>	<i>Litchfield.</i>	

Then the Question was put, Whether this Bill should pass? Which being carry’d in the Affirmative by 79 Voices against 41, several Lords enter’d and sign’d the following Protestation, viz.

*Dissentient*

1. Because we think, there is no Room for the Legislature to pass a Law *Ex post facto*, to punish this Person for the treasonable Correspondence he is accus’d of, he being in Custody, and may be brought to a legal Tryal in one of the Courts of Justice.

2. We conceive the Want or Defect of such clear and plain Evidence, as by the Laws of this Kingdom is requir’d to convict any Person of High Treason, no sufficient Reason to warrant the Exercise of the Legislative Power in making a new Law for his Punishment; because such Laws being made for the Protection of innocent Persons, from suffering by false, uncertain, or doubtful Evi-

Evidence, every Subject is intitled to the Benefit of those Laws, when he shall fall under an Accusation of High Treason.

3. Because we conceive by the Rules of natural Justice, Laws ought to be first made as Directions for Men's Actions, and Obedience, and Punishment inflicted, for putting those Laws in Execution against Offenders: And that therefore punishing by a Law made after the Offence committed, is not agreeable to Reason or Justice, except only in the Case of real and apparent Necessity, to prevent the immediate Ruin of a Government, which, we do not think, can be the present Case, or can bear any Resemblance to it.

4. Because the Proceedings of the legislative Power in making Laws, can be govern'd by no Rule, but that of their own Discretion and Pleasure: And therefore the making Laws to inflict Pains and Penalties on particular Persons, must, as we conceive, tend to expose the Liberties and Properties of the Subjects to an arbitrary Discretion; and consequently render them precarious in the Enjoyment of those Blessings, which by our excellent Constitution and Government, they have always had an uncontrollable Right to hold and enjoy, till forfeited for some Crime, and the Person offending legally convicted thereof, upon such full and positive Proof, as the Laws of this Kingdom do require.

5. Because, as we conceive, it would be of dangerous Consequence to the Safety of innocent Persons, to allow Copies of Letters taken by the Clerks of the Post-Office, though sworn by them to be true Copies, to be given in Evidence against any Person accus'd of High Treason, especially when such Copies are not compar'd with the Originals after they are taken, and the Originals forwarded on by them, and not produc'd; because the Originals not being produc'd, such Person is depriv'd of an Opportunity of falsifying those Copies; and though there should be any Mistake committed by the Clerk in copying, whether wilfully, or by Negligence, such Mistake cannot be detected, for want of the original Writings to compare the Copies with.

6. Because the Proof of Letters or other Writing in criminal Prosecutions by Similitude and Comparison of Hands, being, as we conceive, a very slight and weak Evidence (because Hands may be too easily counterfeited, and the Persons examin'd cannot speak positively, but to their Belief, and therefore not liable to be prosecuted

sed for Perjury;) hath, as we conceive, very justly been discourag'd in such Times when the Administration of Justice hath been most impartial; and Convictions of High Treason grounded on such Evidence, have been asserted by Act of Parliament for that and other Reasons.

<i>Pomfret,</i>	<i>Aylesford,</i>	<i>Trevor,</i>
<i>Steuell,</i>	<i>Dartmouth,</i>	<i>Unbridge,</i>
<i>Northampton,</i>	<i>Bathurst,</i>	<i>Foley,</i>
<i>Fr. Ostrien.</i>	<i>Litchfield,</i>	<i>Masham,</i>
<i>Anglesey,</i>	<i>Salisbury,</i>	<i>Cardigan,</i>
<i>Strafford,</i>	<i>Brook,</i>	<i>Arundel,</i>
<i>Scarfdale,</i>	<i>Gower,</i>	<i>Exeter,</i>
<i>Graven,</i>	<i>Weston,</i>	<i>Montjoy,</i>
<i>Denbigh,</i>	<i>Osborn,</i>	<i>Willoughby de Br.</i>
<i>Guliford,</i>	<i>Hay,</i>	<i>Ashburnham,</i>
<i>Wharton,</i>	<i>Berkeley de Str.</i>	<i>Bingley,</i>
<i>Middleton,</i>	<i>Compton,</i>	<i>Tadcaster,</i>
<i>Poult,</i>	<i>Bruse,</i>	

The Tryal of the Bishop of Rochester must be deferr'd to the next Register, having other Matters to insert in this, which may not be omitted.



*The Proceedings of the Parliament of Great Britain, continued from the last Page of the preceding Register.*

The Commons being return'd to their House, Sir Nathaniel Gould represented to them the great Damage the East-India Company of this Kingdom had already receiv'd, and was like further to sustain by the erecting a new East-India Company at Ostend, which Undertaking was chiefly encouraged by the Subjects of Great Britain; whereupon it was unanimously resolv'd, 'That for any Subject of this Kingdom, to subscribe, or to be concern'd in encouraging any Subscription to promote an East-India Company now erecting in the Austrian Netherlands, is a High Crime and Misdemeanor.' And it was order'd, that a Committee be appointed to enquire into the Nature of a Subscription said to be carrying on by several of his Majesty's Subjects, to promote an East-India Company now erecting in the Austrian Netherlands:

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The said Committee was appointed accordingly, with Power to send for Persons, Papers, and Records; and moreover it was resolv'd, to address his Majesty relating to the erecting an *East-India* Company in the *Austrian Netherlands*; and then by Reason of the *Easter* Holy-days, the Commons adjourn'd for a Fortnight, viz. to *Wednesday* the 24th of *April*. The same Day, the House of Peers adjourn'd to the 22d of the same Month.

The Commons being met again on *Wednesday* the 24th of *April*, Mr. Controller, by his Majesty's Direction, presented to the House such Memorials and Representations as had been laid before his Majesty relating to the erecting an *East-India* Company in the *Austrian Netherlands*, which were referr'd to the Consideration of the Committee appointed to enquire into the Nature of a Subscription, said to be carrying on by several of his Majesty's Subjects to promote the erecting an *East-India* Company at *Ostend*. After this, in a Committee of the whole House, some Progress was made in the Bill for appointing one Commission of the Customs in Great Britain, and for better securing the Duties on Tobacco, &c.

The next Day, being the General Thanksgiving appointed by his Majesty's Proclamation, the Commons, with their Speaker, went to St. Margaret's, *Westminster*, where Dr. *Aldrich* preach'd before them; and being met again on Friday the 27th, they unanimously order'd their Thanks to be given him for his Sermon, and that he be desir'd to print the same. Upon the Complaint of several Devastations, and of Injuries committed by some wicked Persons call'd the *Blacks* of *Waltham*, and other Places, it was also unanimously order'd, that a Bill be brought in, for the more effectual punishing wicked and ill dispos'd Persons, going arm'd in Disguise, and doing Injuries and Violence to the Persons and Properties of his Majesty's Subjects; and for suppressing all Confederacies for such unlawful Purposes, and for the more speedy bringing the Offenders to Justice. Then Mr. *Lowndes* presented to the House a Bill for laying a Tax upon Papists; which was receiv'd, read the first, and order'd to be read a second Time, on that Day Sevensnight.

On Monday the 29th of *April*, Mr. *Conduit* presented to the Commons a Bill for the more effectual Execution of Justice in a pretended privileg'd Place, commonly call'd the Mint, &c. which was read the first, and order'd to be read a second Time. After this, Mr. Speaker was or-

der'd to cause a new Writ to be issu'd out, for the electing a Burgess to serve in Parliament for the Town of *Berwick upon Tweed*; in the Room of *Grey Neville, Esq;* decess'd; and then in a Committee of the whole House, the Commons went through the Bill for enabling his Majesty to put the Customs of Great Britain, under the Management of one or more Commissions; &c.

By this Time, by Direction of the *English East-India Company*, a Translation of the Memorial of the *Dutch East-India Company*, presented to the *States General of the united Provinces*, the 15th of March, 1722-3, was printed, and deliver'd out to the Members of the House of Commons; but the same being too long to be inserted here, we shall present our Reader with the Substance of it, contain'd in an Extract of a Memorial presented to the Imperial Court at *Vienna*, by *Monsieur Bruyninx*, Envoy from the *States General*, concerning the new *East-India Company* intended to be erected in the *Austrian Netherlands*; which was also publish'd in *English*, some Days before, as follows:

THEIR High Mightinesses, who have the Honour to live in good Correspondence and Amity with his Imperial Majesty, having nothing more at Heart, than the Continuance of the same good Correspondence and Amity which has at all Times subsisted between his Imperial Majesty and this State, and between the Subjects on both Parts, cannot behold, without extreme Grief, that the Inhabitants of the *Austrian Netherlands*, Subjects of his Imperial Majesty, are undertaking Matters no ways consistent with the said good Correspondence and sincere Amity, but are extremely prejudicial to the State, and contrary to the Treaties concluded between his Imperial Majesty and their High Mightinesses.

Their High Mightinesses have the more Reason highly to complain in this Matter, because the Instances that have been made, and from Time to Time reiterated on their Part to obtain proper Redress, have not only been fruitless, but his Imperial Majesty's said Subjects in the *Austrian Netherlands*, extend even daily their Enterprizes, in which they seem encouraged and confirm'd, by their obtaining of his Catholic and Imperial Majesty, as their High Mightinesses have been inform'd, a Licence to sail from the

*Austrian Netherlands*, to the *East-Indies*, particularly from *Offend*.

Their High Mightinesses foreseeing the unavoidable Troubles which must attend this Affair, if his Catholick and Imperial Majesty should, contrary to all Expectation and Equity: permit his Subjects of the *Austrian Netherlands* to proceed in their Undertaking with Respect to Navigation and Trade to the *East-Indies*, contrary to the Tenor and Letter of Treaties; and if Opposition should be offer'd to their High Mightinesses, in case they attempt to make Use of their Right obtain'd by Treaties: But their High Mightinesses being desirous of nothing more than to prevent such Kind of Troubles, could not in the present Juncture, avoid making fresh Representations to his Imperial Majesty, that by the Treaty concluded in 1648, at *Munster*, between his Majesty, the King of *Spain*, then reigning, and his Successors on the one Part, and their High Mightinesses on the other Part, Commerce and Navigation to the *East* and *West-Indies*, were regulated and limited, with Regard to the Subjects of *Spain*, upon the Foot they then were establish'd, without Power of farther Extention; and with Regard to the Subjects of this State, it was agreed, that the former should refrain from Places which the latter possess'd. These Articles have always been religiously observ'd, and the Inhabitants of the *Spanish Netherlands*, at present *Austrian*, have never been permitted nor tolerated to trade to the *Indies*.

The said *Netherlands* being fallen under the Dominion of his Catholick Imperial Majesty, have not thereby acquir'd larger Privileges than before; nor can it ever be imagin'd, that their High Mightinesses, who have made such signal Efforts, contributed so much to the Recovery of the *Spanish Netherlands*, and so many other Parts of the *Spanish Monarchy*, in Favour of his Catholick and Imperial Majesty, pursuant to Engagements on that Behalf, could possibly, by entering into those very Engagements, depart from, or ever intend to depart from their Charters, and their Right of maintaining themselves therein to Perpetuity, obtain'd by the said Treaty of *Munster*; or that his Catholick and Imperial Majesty had any Intention in recovering the said *Netherlands*, to make Alterations in the said Treaty, much less design, contrary to the Stipulations therein so plainly express'd, to cause any Prejudice to the State in a Point so essential and important to them, upon which it was

so strongly insisted in the Negotiations at *Munster*, and without which, that Treaty could never have been concluded.

Moreover, it is expressly stipulated by the 26th Article of the Barrier Treaty, that Commerce, and all Things relating to it, should remain to all Intents and Purposes upon the same Foot it was establish'd at the Treaty of *Munster*, and in the Manner express'd in the Articles of the said Treaty: Inasmuch that the Treaty of *Munster* is evidently confirm'd by the Treaty of Barrier even at the Time his Catholick and Imperial Majesty was already in Possession of the said *Netherlands*, as likewise by the Guaranty of his *Britannick* Majesty.

And whereas the Right of the States in this Particular is so manifest that their High Mightinesses have the utmost Grounds to expect from the so much renowned Friendship and Equiry of his Catholick and Imperial Majesty, that he will not favour or tolerate any Prejudice to the said Right of the State: They therefore amicably require, that the Patent which is said to have been granted for Navigation and Commerce of the *Austrian Netherlands* to the *Indies*, may not be publish'd but withdrawn, or at least render'd ineffectual; and that such Orders may be given by his Imperial Majesty, that such Kind of Navigation and Commerce, whether with Patents or without, may entirely cease, and that the Treaties in that Respect may be executed, &c.

The Memorials had the intended Effect: For on Tuesday the last Day of *April*, Sir *Nathanael Gould* reported from the Committee, appointed to enquire into the Nature of a Subscription, said to be carrying on by several of his Majesty's Subjects to promote an *East-India* Company, now erecting in the *Austrian Netherlands*, the Matter as it appear'd to them, and the Resolutions of the Committee thereupon, as follow, viz.

1<sup>st</sup>. That it is the Opinion of this Committee, that several Subjects of *Great Britain* have been concern'd in promoting and carrying on a Trade from the *Austrian Netherlands* to the *East-Indies*, and negotiating an Establishment of a Company for that Purpose, to the great Prejudice of the Trade of this Kingdom.

2<sup>dly</sup>. That it is the Opinion of this Committee, that the House be mov'd for Leave to bring in a Bill effectually to prevent his Majesty's Subjects from subscribing

or being concern'd in encouraging or promoting any Subscription for an *East-India* Company in the *Austrian Netherlands*, and for the better securing the lawful Trade of his Majesty's Subjects to and from the *East-Indies*.

The First of the said Resolutions being read a second Time, was agreed unto by the House, *Nemine contradicente*; and it was also unanimously order'd, that Leave be given to bring in a Bill effectually to prevent his Majesty's Subjects from subscribing or being concern'd in encouraging or promoting any Subscription for an *East-India* Company in the *Austrian Netherlands*, and for the better securing the lawful Trade of his Majesty's Subjects to and from the *East-Indies*. Then Mr. Attorney-General presented to the House a Bill for the more effectual punishing wicked and ill dispos'd Persons going arm'd in Disguise, and doing Injuries and Violence to the Persons and Properties of his Majesty's Subjects, &c. And the same was receiv'd and read the first, and order'd to be read a second Time. Then the Report from the Trustees for the *South-Sea* Company, (presented to the House the twenty-fifth Day of *January* last) being taken into Consideration, it was order'd, That Leave be given to bring in a Bill for prolonging the Times for hearing and determining Claims before the Trustees, in whom the Estates of the late *South-Sea* Directors and others are vested;

On the 1st Day of *May*, a Bill for more effectual punishing wicked and ill dispos'd Persons, going arm'd in Disguise, &c. was read a second Time, and committed to a Committee of the whole House; as was also a Bill for more effectual Execution of Justice in a pretended Privileged Place, commonly call'd the Mint; and then Mr. Broderick presented to the House a Bill for prolonging the Times for hearing and determining Claims before the Trustees, in whom the Estates of the late *South-Sea* Directors, and others, are vested, which was receiv'd, read the first, and order'd to be read a second Time. After this, the Commons proceeded to take into consideration the Report from the grand Committee, on the Bill for appointing one Commission of the Customs in Great Britain; and for better securing the Duties on Tobacco, &c. and a Debate arising thereupon, the same was adjourn'd to the next Morning.

On the 2d of *May*, an ingross'd Bill for confirming Articles of Agreement between the principal Officers of the Ordnance;

nance, and Thomas Mifling, Esq; for Exchange of some Lands, at Portsmouth, for the Service of his Majesty, was read the third Time, pass'd, and sent up to the Lords. Then, upon their Lordship's Message, desiring the Commons to give Leave, that Mr. Chancellor of the Exchequer might attend the House of Lords, to be examin'd as a Witness upon the Bill to inflict Pains and Penalties on George Kelly, it was resolv'd, that Mr. Chancellor of the Exchequer have Leave to appear at the House of Lords, as their Lordships did desire. Sir Nathanael Gould presented to the House a Bill effectually to prevent his Majesty's Subjects from subscribing or being concern'd in encouraging or promoting any Subscription for an East-India Company in the Austrian Netherlands, and for better securing the lawful Trade of his Majesty's Subjects to and from the East-Indies; which was receiv'd, read the first, and order'd to be read a second Time: After which, the House return'd the adjourn'd Debate upon a Clause offer'd to be added to the Bill for appointing one Commission of the Customs in Great Britain, &c. which Clause being withdrawn, and several Amendments made to the Bill, the said Bill was order'd to be engross'd. And then Mr. Gybbon reported from the Committee of Privileges and Elections, the Matter as it appear'd to them, touching the Election for the City of Wells in the County of Somerset, and the Resolutions of the Committee thereupon; which were agreed to by the House, and are as follow, viz. 1<sup>st</sup>, That the Right of Election of Citizens for the City of Wells is in the Mayor, Masters, and Burgesses of the said City, and in such Persons as are (by Consent of the Mayor and Common Council of the said City) admitted to their Freedom in any of the seven trading Companies in the said City; on Account of Birth, Servitude, or Marriage. 2<sup>dly</sup>, That Thomas Edwards, Esq; and Francis Gwyn, Esq; are duly elected to serve in this present Parliament for the City of Wells.

May 3. A Bill for prolonging the Times for hearing and determining Claims before the Trustees of the Estates of the late South-Sea Directors, &c. was read a second Time, and committed to a Committee of the whole House; as was also a Bill for laying a Tax upon Papists. Then upon a Message from the Lords, desiring, that this House would give Leave, that Archibald Hutcheson, Esq; John Walton, Esq; and Thomas Chapman, Esq; Members of this House, might attend the House of Lords on the 6<sup>th</sup> Instant, to be examin'd as Witnesses for Francis Lord Bishop Rochester.

chester; it was resolv'd, that the said three Gentlemen have Leave to appear then at the House of Lords; which, however, they did not think fit to do.

On the 6th of May, the Commons being in a grand Committee on Ways and Means for raising the Supply, it was strongly insisted by Mr. *Trenchard*, and some other Members, that the Nonjurors ought to be included in the Tax intended to be rais'd upon Papists; and after some Debate, the Committee came to the following Resolution, viz. That towards raising the Sum of 100,000*l.* granted to his Majesty towards reimbursing the publick, the great Expences occasion'd by the late Rebellions and Disorders, to be rais'd and levied upon the real and personal Estates of all Papists, an equal Rate and Proportion be rais'd and levied upon the real and personal Estates of every other Person, being of the Age of eighteen Years or upwards, not having taken the Oaths of Supremacy and Allegiance, and the Abjuration Oath, who shall upon due Summons neglect or refuse to take the same. This Resolution being the next Day reported by Mr. *Farrer*, a Motion was made, and the Question put; that the said Resolution be recommitted; but it was carried in the Negative; and it was resolv'd, That the House did agree with the Committee, and order'd, That there be an Instruction to the Committee of the whole House to alter and amend the Bill for laying a Tax on all Papists, pursuant to the said Resolution. It was also order'd, That it be an Instruction to the said Committee, to receive a Clause or Clauses for all Papists and Nonjurors, in that Part of Great Britain, call'd Scotland, to register their Names and real Estates. Then a Petition of *Richard Pandrill*, *John Thomas*, *William*, and *Mary Pandrill*, and others, was presented to the House and read, praying, 'That in regard to their Ancestors Fidelity and eminent Services to the Crown, in the Preservation of his late Majesty King *Charles the second*, and in Respect of the Petitioners constant, loyal, and dutiful Obedience to his present Majesty, the Petitioners might be exempted from the Tax intended to be laid upon Papists, or have such other Relief as the House shall think fit.' Whereupon it was order'd, That the said Committee have Power to receive a Clause for the Petitioners Relief; After which, the House went into that Committee, and made some Progress in the Bill.

The

The Day before, the Commons order'd the Committee of the whole House, to whom the Bill for *prolonging the Times for hearing and determining Claims before the Trustees of the late South-Sea Directors Estates*, was committed, to receive four Clauses, 1. One for keeping Terms of Years and Incumbrances to attend the Inheritance of the real Estates vested in the said Trustees, for the Benefit of the Purchasers of the said Estates. 2. Another, to limit the Time for Persons to claim Stock for the Money-Subscriptions. 3. A third, for allowing a longer Time for discharging Loans made by the *South-Sea Company*, on Stock and Subscriptions. 4. And a fourth, for giving some Relief to Brokers, and others acting as Brokers, in Relation to Money borrow'd by them, of the *South-Sea Company*.

May 7. Upon a Message from the Lords, desiring the Commons would give Leave that Mr. Chancellor of the Exchequer might attend the House of Lords, in Order to be examin'd as a Witness upon the Bill to inflict Pains and Penalties on *Francis Lord Bishop of Rochester*; it was order'd, That Mr. Chancellor of the Exchequer have Leave to appear at the House of Lords, as their Lordships did desire.

On the 8th of May, Two other Clauses were order'd to be added to the Bill relating to Claims on the Estates of the late *South-Sea Directors*, viz. one to prevent vexatious and collusive Actions at Law or Suits in Equity being brought against the late Directors for Debts due from them before their Estates became vested in the Trustees; and another, for enlarging the Time for Claims to be made before the said Trustees: That Afternoon, and the next Day, the Commons, in a grand Committee, made some Progress in the Bill for *laying a Tax upon Papists*.

On the 10th of May, an ingross'd Bill for *enabling his Majesty to put the Customs of Great Britain under the Management of one or more Commissions; and for the better securing and ascertaining the Duty on Tobacco*, &c. was read the third Time, pass'd, and sent up to the Lords.

May 11, The Commons in a Committee of the whole House, went through the Bill for *laying a Tax upon Papists*; and they who were against the Bill, taking Advantage of the Absence of several who were for it, (being then in the Lords House, to hear the Bishop of *Rochester* speak in his Defence) resolv'd to clog it, by inserting in it a Clause



Clause for including both the Papists and Nonjurors in Scotland, in the Tax intended to be laid on Papists and Nonjurors in England, which they carry'd by a Majority of five Voices only.

On the 14th of May, Mr. Farrer reported the Amendments the Committee had made to the Bill, which were agreed to, except the Clause abovemention'd; upon which, a Debate arising, a Motion was made, and the Question put, that the Debate be adjourn'd; which pass'd in the Negative. The most strenuous Sticklers for the Clause were, the Lord Gage, Mr. Hutcheson, and the Master of the Rolls; the last of whom, among other Arguments, urged, 'He knew no Reason why the Scots should be excus'd from paying their Proportion of this extraordinary Tax, unless it was, because forty-five Scotch Representatives in that House always voted as they were directed: But if that was the Reason, it was to be fear'd, lest Cornwall, who sends up almost an equal Number of Members, might, upon the same Consideration, claim an Exemption from Taxes.' But Mr. Chancellor of the Exchequer having represented that the Names and real Estates of the Scotch Papists and Nonjurors not being register'd, it was impossible to ascertain their Proportion of this Tax; he was supported by most of the Courtiers, and the Question being put, That the said Clause be made Part of the Bill, it was carry'd in the Negative by 178 Votes against 170; and then some other Amendments being made by the House to the Bill, it was order'd to be ingross'd. Two Days after (May 16) another Bill was order'd to be brought in, to oblige all Papists and Nonjurors in Scotland, to register their Names and real Estates; which was accordingly brought in the 17th of May, and had an easy Passage through both Houses.

On Thursday the 16th, an ingross'd Bill to prevent his Majesty's Subjects from subscribing or being concern'd in encouraging or promoting any Subscription for an East-India Company in the Austrian Netherlands, &c. was read the third Time, pass'd, and sent up to the Lords: And then in a grand Committee, the Commons went through the Bill about the forfeited Estates of the late South-Sea Directors.

May 17. William Morgan, Esq; being chosen a Knight of the Shire for the County of Monmouth, and also a Burgess for the Town of Brecon in the County of Brecon, made his Election for the County of Monmouth;

upon which, Mr. Speaker was order'd to issue his Warrant for a new Writ, for the electing a Burgess for the said Town of Brecon. After this, an ingross'd Bill for the more effectual Execution of Justice in a pretended privileg'd Place commonly call'd the Mint, &c. was read the 3d Time, pass'd, and sent up to the Lords; as was also the ingross'd Bill for laying a Tax upon Papists and Nonjurors in England.

May 18. An ingross'd Bill for the more effectual preventing wicked and evil dispos'd Persons going arm'd in Disguise, and doing Injuries and Violence to the Persons and Properties of his Majesty's Subjects, and for more speedy bringing the Offenders to Justice, was also read the third Time, amended, pass'd, and sent up to the Lords; as was also on Monday May the 20th, an ingross'd Bill, for farther enlarging the Time for entering, hearing, and determining Claims on the Estates vested in the Trustees of the South-Sea Company,

On the 21st of May, the Commons, in a Committee of the whole House, went through the Bill to continue the Duties for the Encouragement of the Coinage of Money, &c. and added, several Clauses, and made other Amendments thereto, which being the next Day reported, were agreed to, and the Bill order'd to be ingross'd. The same Day, the ingross'd Bill to oblige, all Papists and Nonjurors in Scotland, to register their Names and real Estates, was read the 3d Time, pass'd, and sent up to the Lords.

May 23. The Commons resolv'd to address his Majesty, that he would be graciously pleas'd to confer some Dignity in the Church, upon the Honourable and Reverend Mr. Ingram, Chaplain to their House; and having read the 3d Time, pass'd, and sent up to the Lords, the ingross'd Bill to continue the Duties for Encouragement of the Coinage of Money, &c. adjourn'd themselves to Monday the 27th of May.

Let us now attend the Proceedings of the House of Peers.

On Saturday the 9th Day of March, the Earl of Strafford, and the Lord Hay, (Earl of Kinoule in Scotland) complain'd to the House, that in the Deposition of one Pancier, in the printed Report of the House of Commons appointed to examine Mr. Layer, and others, it is mention'd, that one Skeene told him, that the Lord Strafford, and Lord Kinoule, were privy to Designs against the Government: Whereupon it was mov'd, that the said Pancier and Skeene might be requir'd to appear immediately

mediately at the Bar of this House, in Order to their being examin'd; and after some Debate, the Question being put upon the said Motion, it was carry'd in the Negative, by a Majority of 64 Voices against 29. Hereupon 4 Peers enter'd the following Protest, viz.

*Dissentient*

1. Because the Earl of Kinsale, and the Earl of Strafford, having severally complain'd to the House, that they found themselves reflected on in a printed Deposition of one *Andrew Pancier*, wherein he depos'd, That one *Skeene* (now in Custody) had acquainted him, among other Things, that the said Earls knew of the late Conspiracy, and were concern'd in the Management of it here; and the said Earls alledging, that they did not see by the Report, in which that Deposition is found, that the said *Skeene*, tho' in the Hands of the Government, had been so much as question'd, touching the said Hearsay; which Observation we find to be true, but we think it highly reasonable to have comply'd with the Motion and Request of the said Lords, that the said *Pancier* and *Skeene* might be examin'd at the Bar of this House, in Relation to that Matter only; the like Request for the clearing the Reputation of any noble Lord, when he hath thought himself unjustly aspers'd, having never been deny'd that we know of, but on the contrary, it was not long since granted in the Case of the late Earl of *Sunderland*, though the Examination, which he thought reflected on his Honour, was not come into Print when he made his Complaint, which, according to our Judgment, was not so strong a Case for granting the Motion as the present is.

2. Because the said Deposition, as far as it is printed, contains nothing but what the Deponent heard another say (except as it contains a Charge on *Skeene* for saying so) we think it was very natural and proper, as well for the Advancement of Justice, as for the Vindication of the noble Lords requesting it, to trace the said Hearsay, if possible, to the Fountain-Head, or at least, so far as to know from the Person charg'd with relating it, whether he would deny his having related it; or if not, whether he would confess the Falsity of what he had so related, or undertake to make it good by his own Testimony, or otherwise.

3. We think there could be no Inconvenience in examining, as mov'd, to find whether there was any, and what Foundation for this Hearsay; it not being an Anticipation of the Course of Justice (as examining a Part of the Evidence against any Man, or Part of an Accusation would be) since the swearing of what one Man said of a third Person, is in no Sort Evidence, either in Law or Reason, to support a Conviction, or even to ground an Accusation upon any Man whatsoever.

4. Since meer Hearsay being no Evidence in the least Degree, cannot be made a Foundation for any legal Proceeding, it is impossible for any noble Lord, whose Honour may be affected by it, to clear himself in any Tryal, or other like Opportunity that can be given him to make his Defence: And therefore since there is no other Method that we can think of, so proper or effectual in our Opinion, as an Examination of the Nature of that mov'd for, we think it ought to have been order'd, and that every Noble Lord may possibly in Time, be hurt by the Consequence of this Precedent.

5. We cannot think, that the Examining, as mov'd for, into this Hearsay only, could have made any Difference with the other House; since it is inconceivable by us that any Number of Gentlemen, who may have by Accident (for we hope it is no otherwise) in setting forth the Deposition of *Pancier*, as a Charge against *Skene*, happen'd to asperse the Reputation of some of the Peers of the Realm, could resent, either that these Lords should desire, or the House permit them to clear themselves as soon, and as effectually as possible, of that Hearsay.

<i>Strafford,</i>	<i>Anglesey,</i>	<i>Poulet,</i>
<i>Hay,</i>	<i>Craven,</i>	<i>Weston,</i>
<i>Scarsdale,</i>	<i>Aylesford,</i>	<i>Litchfield,</i>
<i>Cowper,</i>	<i>Foley,</i>	<i>Bathurst,</i>
<i>Franc. Ostrien.</i>	<i>Bristol,</i>	<i>Bruce,</i>
<i>Unbridge,</i>	<i>Guilford,</i>	<i>Exeter,</i>
<i>Willoughby de Br.</i>	<i>Arundel,</i>	<i>Compton,</i>
<i>Osborn,</i>	<i>Berkeley de Str.</i>	<i>Bingley.</i>

Besides the Declaration made by the Earl *Cowper*, dated *March 20*, publish'd by his Order, and insert'd in *The Register* N<sup>o</sup> 31, page 255, on Thursday, *March 21*, his Lordship

Lordship made a long Speech in the House of Peers, wherein ' He complain'd of the small Regard that had been shewn to divers Members of that illustrious and noble Assembly, whose Honour and Reputation had been attack'd, by being mention'd in the Report from the secret Committee of the House of Commons, being represented, upon meer Hearsay, as privy to treasonable Designs against the Government. That for his own Part, as the late Queen *Anne*, of glorious and immortal Memory, had thought fit to raise him to the Dignity of a Peer, how unworthy soever he was of that Honour, he thought it a Duty incumbent upon him, to defend the Rights and Privileges of the Peerage of England, which they held by the fundamental Laws of the Land, and were confirm'd to them by *Magna Charta*. That after having on so many Occasions, and in the most difficult Times, given undoubted Proofs of his hearty Zeal and Affection for the Protestant Succession, and of his Attachment to his Majesty's Person and Government, he had just Reason to be offended, to see his Name bandy'd about in a List of a *Chimerical Club* of disaffected Persons, printed in the said Report, on the bare Hearsay of an infamous Person, notoriously guilty of Prevarication; and who, in the Opinion even of the secret Committee, in Order to magnify the Number of the Pretender's Friends, did in several Lists, insert the Names of Persons as well affected to the Pretender's Service, without having the least Authority for so doing: Which alone was sufficient to give an Air of Fiction to the whole Conspiracy.' And in the Conclusion his Lordship mov'd, that *John Plunket*, (of whom *Laver* pretended he had the List of the *Burford Club*, mention'd in the said Report) be immediately sent for to the Bar of the House, to be examin'd. This Motion was seconded; but the Lord Viscount *Townshend* said thereupon, ' He was extream sorry to find his Lordship should lay so much Stress, and so highly resent his being mention'd in the Report; that his Lordship's Name, with several others, being Part of an Examination, it was absolutely necessary it should be mention'd; that at the same Time, the Committee had declar'd, they were entirely satisfied of his Lordship's Innocence, so that his Lordship's Reputation could not have suffer'd upon that Account. But that, on the other Hand, he was surpris'd to find that a noble Peer, whose Abilities and Merit

' had justly so great Weight in that illustrious As-  
 sembly, should, upon a trivial Circumstance, ridicule  
 ' as a Fiction, a horrid and execrable Conspiracy, sup-  
 ' ported by so many concurring Proofs, as amounted  
 ' to a Demonstration; and from a false, trifling Particu-  
 ' lar, infer, that no Part of it was true.' The Lord  
*Bathurst* answer'd the Lord *Townshend*, and was sup-  
 ported by the Lord *Graven*, the Earl of *Kinsale*, and  
 the other Lords, nam'd in the List of the exploded  
*Barford* Club, who all protested their own Innocency,  
 not without some flaunting Reflections on the Plot,  
 as if the main Drift of it was a base Contrivance of  
 their Enemies, to blast their Honours and Reputations,  
 and to render the best Patriots useless to their Country,  
 by making them obnoxious. The Earl of *Strafford* hav-  
 ing express'd his just Resentment with more Warmth  
 than the rest, Earl *Cadogan* said thereupon, ' That  
 ' for his own Part, tho' his Name was often mention'd  
 ' in the Report, He never troubled himself about it :  
 ' But in his Opinion, there was Reason to believe, *some*  
 ' People were fore when they winch'd so much at the least  
 ' Touch.' The Earl of *Strafford* repell'd this Reflection  
 with a great deal of Vivacity, and said, ' He was  
 ' as whole and sound as any in that illustrious As-  
 ' sembly; but as he had the Honour to have more an-  
 ' cient noble Blood running in his Veins than some  
 ' others, so he hop'd, he might be allow'd to express  
 ' a more than ordinary Resentment against Insults of-  
 ' fer'd to the Peerage.' Some Members apprehending  
 the Issue of this warm Debate, call'd for the Question,  
 which being put upon the Earl *Cowper*'s Motion, was  
 carry'd in the Negative by 81 Voices against 26. Then  
 the Duke of *Dorset*, Chairman of the Secret Commit-  
 tee of the House of Peers, mov'd, that the said Com-  
 mittee might have Leave to examine Mr. *Layer*, as to  
 some material Things relating to the Conspiracy, ab-  
 solutely necessary for them to be satisfy'd in : But tho'  
 this Motion was oppos'd by Earl *Cowper*, and some  
 others, yet it was carry'd without a Division; and  
 the next Day (*March 23*) the Lords Committees went  
 to the Tower, to examine Mr. *Layer*.

On the 23d of *March*, the usual protesting Lords en-  
 ter'd their Protest against the Resolution of the House,  
 relating to sending for *Plunket*, to be examin'd at the  
 Bar of the House, and for Reasons, referr'd to those

in the Protest of March 9, relating to the sending for *Pancier* and *Skeene*, to be examin'd.

Then the Earl of *Strafford* complain'd to the House that his Name was printed in a pretended List of the Conspirators against his Majesty's Person and Government, inserted in a *Weekly Journal* which was produ'd, whereupon it was order'd, &c. That the Gentleman-Usher of the Black Rod do bring *J. Read*, Printer in *White Fryars*, to the Bar of this House, on Tuesday March 26, 1723, for printing in a Paper, call'd the *Weekly Journal*, or *British Gazetteer*, Saturday, March 23, 1723, a List, which is therein entitled, *A List of the Conspirators concern'd in the late Plot, form'd against the King and Government, for setting the Pretender on the British Throne, with the fictitious Names that several of them went by, Alphabetically digested*, in which List the Earl of *Strafford's* Name is inserted.

The Gentleman-Usher of the Black Rod having on the 26th of March, acquainted the House, That he had made diligent Enquiry after the said *J. Read* at his House, and elsewhere, and that he absconded, and could not be found: That his Wife did promise he should attend their Lordships House that Morning; and the House having some Time expected him, and he not being come, their Lordships order'd, that the Gentleman-Usher of the Black Rod do forthwith attach the Body of the said *J. Read*, for printing the said List, and keep him in safe Custody, till further Order of this House.

On the 29th of March, a Petition of *Francis Lord Bishop of Rochester*, was by the Lord *Bathurst*, presented to the House of Peers, and read, suggesting, That a Bill was depending in the House of Commons for inflicting Pains and Penalties on him, for suppos'd Crimes, of which he was entirely innocent; and as he had the Honour to be a Member of the House of Lords, so he pray'd their Directions as to his Conduct, in Respect of a standing Order, prohibiting, on a Penalty, any Lord to appear by Counsel before the House of Commons, to answer any Accusation there. Lord *Lechmere*, the Earls *Cowper* and *Strafford*, the Lords *Trevor*, and *Bathurst*, and some others, mov'd, and insisted, that the said Bishop being a Lord of Parliament, ought not to answer or make his Defence by Counsel, or otherwise, in the House of Commons, to any Bill or Accusation there depending; urging, That the House of Peers being the highest Court of Judicature, no other Court

Court ought to intrench upon their Privileges. But the Lord Chancellor, the Lords *Cartaret* and *Townshend*, the Dukes of *Wharton* and *Argyle*, the Earls of *Peterborough* and *Coningsby*, and the Lord Viscount *Harcourt*, alledg'd, that in this Affair, the Commons did not act as a Court of Judicature, but as Part of the Legislature; of which, they were as much a Part, and to which they had as much Right as the Lords themselves. The Duke of *Wharton* added, that the Matter before them needed no great Debate, for the Bishop having already apply'd to the House of Commons, in a Letter to their Speaker, for Counsel to be assign'd him, it was preposterous now for him to pray the Lords, not to give him Leave to be heard before the House of Commons, which was the Drift of his Petition. Hereupon the Question being put upon the Motion, it was resolv'd in the Negative, by 78 Voices against 32. Then a second Question was put, that this House give Leave to the Lord Bishop of *Rochester* to be heard in the House of Commons by Counsel or otherwise, if he thought fit, and that he have Notice sent him, that this House consented thereto, it was carry'd in the Affirmative, by 77 Voices against 27. Whereupon several Lords enter'd the following Protestation.

*Dissentient*

1<sup>st</sup>. Because we conceive the permitting the Lord Bishop of *Rochester* to make his Defence in the House of Commons, would be directly contrary to the Words and Meaning of the standing Order of this House, bearing Date the 20<sup>th</sup> of *January*, 1673, which expressly and clearly orders, *That for the future no Lord (which extends to Lords Spiritual as well as Temporal) shall go down to the House of Commons, or send his Answer in Writing, or appear by Counsel to answer any Accusation there* And it is observable, that this Order is worded absolutely, and not qualified by the Words (*without Leave of the House*) as the following standing Order of the 25<sup>th</sup> of *November*, 1696, which prohibits Lords from going into the House of Commons, while the House is sitting, is qualified. From which different Penning, as well as from the Preamble of the said first mention'd Order, (which shews the Mischief design'd to be prevented, was the giving Leave in Cases of Lords desiring it to appear to answer Accusations in the House of Commons) we infer, that the said Order of *January*, 1673,



1673, was meant as a Rule for all future Times; that if Leave should be ask'd by a Lord of Parliament to answer, or make a Defence to an Accusation (in any Form, as we conceive) in the House of Commons, it ought to be deny'd, as deeply intrenching on the Privileges of this House.

2dly, The said standing Order, in Affirmance of which, the Question was mov'd, ought to be of the greater Weight, in our Opinions, it having been founded on the Consideration and Report of a Committee (to whom it was particularly referred to consider the Practice of Lords desiring Leave to answer Accusations in the House of Commons) on the Perusal of Precedents in that Committee, and upon serious Consideration and Perusal of the same Precedents in the House itself.

3dly. We cannot apprehend, but that a Bill by which Crimes are charg'd, and a Preparation is made to inflict Pains and Penalties (if the Crimes are prov'd) contains very clearly an Accusation, especially when a Day is given, and Counsel allow'd by the House of Commons to the Person against whom the Crimes are alledg'd, to make a Defence to the same; which Proceeding, though in the Legislative Capacity of that House, carries in it all the essential Parts of a judicial Tryal: And we therefore conceive, that this House ought to be more jealous of their Members answering in the House of Commons, an Accusation in this Form, rather than in any other, since thereby they submit themselves to try the Point of their being guilty, or not guilty, in the House of Commons; and that in Order to receive the Sentence and Judgment of that House, by passing or rejecting the Bill. And this, in our Opinions, more deeply intrenches (as the standing Order expresseth it) on the Privileges of this House, than a Lord going down to the House of Commons, during a Debate there; to prevent an Impeachment, doth; the latter being only to prevent an Accusation, but the former is (as we clearly conceive) to answer an Accusation there, the very Thing prohibited by the standing Order.

4thly, We think the Accusation, which Lords are prohibited to answer by this standing Order, must be chiefly, if not only, understood of an Accusation couched in a Bill (as in the present Case) since we never heard that any Lord of Parliament did, at any Time, answer to, or defend in Person or by Counsel, an Impeachment

in the House of Commons, though they may have gone down to that House by Connivance, to prevent such Impeachment: And therefore Lords defending themselves in the House of Commons against an Impeachment, could not be the Mischief intended to be cured by the said standing Order.

5thly, That the House of Commons, on Bills to inflict Penalties, do proceed, strictly speaking, in their Legislative Capacity, is certainly true; and yet it is plain to us, that in Reality, they partake in such Cases with the House of Lords in the Judicature; or, which is all one, in trying and adjudging Offenders to Punishment. And though the Lords should, in very extraordinary Cases, think fit to concur in such a Method of punishing; yet it is, in our Opinions, going by much too far, for the Lords to permit any of their Body to make Defence in the House of Commons, either by himself or Counsel, which is letting themselves down to a very great Degree, and giving an unnecessary Encouragement to that Manner of Proceeding; and when Lords have so far submitted to this Course, we think there is little Reason to expect, that afterwards the Commons will ever appear at the Lords Bar, as Accusers, when they can by this Way make themselves as much Judges even over Lords, as in this Proceeding by Bill, the Lords themselves are.

6thly, Though Lords by not being permitted to appear either in Person, or by Counsel, to defend themselves in the House of Commons, may be thought possible to lose some Advantage in their Defence; yet we think it was, and is the true Meaning of the standing Order first mention'd, that a Lord should rather suffer something of Inconvenience in that Particular, and commit his Cause to God and the Justice of the House of which he is a Member, and who are his proper Judges, than in any Degree debase or derogate from the legal State and Dignity of the Lords in general.

7thly, Although there be, as we conceive, a very manifest and important Difference in Reason, as to the Matter of this Question, between the Case of Bishops (who are declar'd by the standing Order of May 23, 1628, to be only Lords of Parliament, and not Peers, for they are not of Trial by Nobility) and that of Peers of the Realm, who undoubtedly, for Matters of Treason and Felony, are triable by their Peers only.

Yet

Yet since by the standing Order first mention'd, Bishops are as much, and as clearly prohibited to answer any Accusation in the House of Commons, as the Peers or the Lords Temporal are, we cannot but apprehend, with the deepest Concern, that this Case may be us'd hereafter as a Precedent ( though as we take it, far from being a Precedent in point) to bring by Degrees, the Peers of the Realm to defend themselves against Accusations of the like Nature in the House of Commons; which, if once brought to a Practice, we are of Opinion, that the Peers of the Realm would in great Measure, be degraded from their Peerage, and so, by weakening and debasing the Order of Nobility, which, in its Institution, was meant, or at least hath prov'd, a Lustre and Security to the Crown; the Safety, as well as Dignity of the Crown itself, may be hereafter in a great Degree impair'd.

<i>Scarsdale,</i>	<i>Compton,</i>	<i>Litchfield,</i>
<i>Gower,</i>	<i>Arundel,</i>	<i>Weslon,</i>
<i>Trevor,</i>	<i>Strafford,</i>	<i>Guilford,</i>
<i>Bruce,</i>	<i>Bingley,</i>	<i>Paulet,</i>
<i>Ashburnham,</i>	<i>Dartmouth,</i>	<i>Hay,</i>
<i>Foley,</i>	<i>Cowper,</i>	<i>Uxbridge,</i>
<i>Aylesford,</i>	<i>Bathurst,</i>	<i>Montjoy.</i>

On Friday the 5th of April, a Petition of the Lord Bishop of Rochester was presented and read, complaining, That Colonel Williamson, assisted by Persons under his Authority, did by Violence, search the Petitioner, and carry away two Seals, and also seiz'd a Paper in his Pocket, being a Letter to his Solicitor, which he took again from them, and tore, but they carry'd a Part of it along with them; and did also search the Petitioner's two Servants and took away a Seal from one of them; And praying Relief and Protection.

And thereupon a Motion was made, That Colonel Williamson, the Deputy-Lieutenant of the Tower, Mr. Sergeant, the Gentleman-Porter, the two Warders who attended the Colonel Yesterday in the Apartment of the Bishop, and the two Servants attending his Lordship there, do attend at the Bar of this House, to give an Account of the Matters contain'd in the said Petition.

The Earls Cowper and Strafford, the Lords Lechmere and Bathurst, spoke for this Motion; but were answer'd

by the Lords *Townshend*, *Cartaret*, and *Harcourt*; and the Question being put thereupon, it was carried in the Negative by a Majority of 52 Voices, against 24, upon which, several Lords enter'd the following Protest.

*Dissentient*

1. Because the Petitioner, as a Lord of Parliament, and Member of this House, though no Peer of the Realm, hath an unquestionable Right, underall Circumstances, to the Justice and Protection of this House, against any Persons whatsoever, who, during the sitting of Parliament, commit any Act of Violence to his Person or Property, which this House may judge to be a Breach of his Privilege: And therefore, as we conceive, the Facts alledg'd in the Petition, if the same are true, and no Account given of them by the Persons concern'd, to the Satisfaction of this House, are an unwarrantable Attempt upon a Member of this House: We think, that in Justice to the Petitioner, and to the Honour and Privileges of this House, there ought to have been an immediate and impartial Examination by this House, of the Persons concern'd; we finding no Instance on the Journals of this House, where any Member of the House has complain'd, by Petition or otherwise, of the least Violence or Injury to his Person, during the Time of Privilege, whereon this House hath not order'd an Examination of the Facts complain'd of.

2. Because it appears to us, that the Petitioner being under Imprisonment, and a Bill depending against him in the House of Commons, that House having allow'd him the Benefit of Counsel and Solicitors for making his Defence, were proceeding against the Petitioner on that Bill, in all Probability, at the very Time the Matters complain'd of were transacted: And as that Bill may soon come under the Consideration and Judgment of this House, the seizing the Petitioner's Letter to his Solicitor, or any thing that may concern his Defence, we are of Opinion, ought to be examin'd into, it being, as we conceive, against the Rules of natural Justice, the Laws of all Nations, and the known and fundamental Laws of this Realm, that any Papers, or other Things, in the lawful Possession of the Person so accus'd, and which may relate to his Defence, should be forcibly wrested from him, and that any Person,  
mote

more-especially a Lord of Parliament, being under Imprisonment and Accusation for High Treason, should by Terror, or other Violence, be without just Cause, in any Degree, disturb'd in, or disabled from making his Defence.

3. Because the refusing to enter into the Examination of the Matters complain'd of by the Petition, may, in our Opinions, be constru'd to be a Justification of the Proceedings therein alledg'd, even though there was not a reasonable Occasion for the same; and it being suggested in the Petition, that the Deputy-Lieutenant of the Tower did affirm to the Petitioner upon his Salvation, that he had a verbal Order from the Ministry, though he refus'd to say from whom, and not pretending that what he did was by his own Authority; we are of Opinion, that it was of the greatest Consequence to the Honour of his Majesty's Government, that this House should have examin'd into this Proceeding; and the rather, because we conceive it to be of the highest Importance to the free and impartial Administration of Justice, that this House should, on all Occasions, discountenance all Appearances of Force, especially on a Lord of Parliament imprison'd and accus'd of High Treason,

4. Because we think, that if an unjustifiable Violence be offer'd to the Person or Privilege of any Member of this House, and not examin'd into, it may prove an Encouragement to commit the like, if not farther Abuses, on any other Member of this House in future Times.

*Strafford,*  
*Bathurst,*  
*Lechmere,*  
*Wiston,*  
*Bixley,*

*Cowper,*  
*Hay,*  
*Poulet,*  
*Alhburnham,*  
*Bruce,*

*Scarsdale,*  
*Guilford,*  
*Foley,*  
*Litchfield,*  
*Montjoy.*

The Lords having put off the second reading of the Bill for *inflicting Pains and Penalties on John Plunket*, to the 26th of April, and order'd, that the said *Plunket*, should then be brought to the Bar of their House, to make his Defence, the Lord *Lechmere* did on Wednesday the 10th of April, represent to the House, that a State Messenger's House where *Plunket* was in Custody, was not a legal Prison; and that it would be derogatory to the Dignity of that House, to direct their Warrants for bringing

bringing the Prisoner to their Bar, to a Messenger, who was not a legal Officer. Wherefore he mov'd to address his Majesty, That the said *Plunket* be remov'd to the Tower of London, or some other legal Prison. This Motion was seconded by the Earl *Cowper*; but was oppos'd by the Lords *Townshend* and *Cartaret*; who alledging, that such an Address would imply a Distrust of his Majesty's Ministers; and that *Plunket* being in a Messenger's House, guarded at Sight by a Captain and Centries at the Door, was in safer Custody than if he was in a common Goal; so that the Question being put upon the said Motion, it was carry'd in the Negative by 58 Voices against 16. Hereupon, the Dissenting Lords enter'd their Protest; which had such Weight with the Ministers themselves, that the very next Day, (*April 11*) *Plunket* was committed Prisoner to the Tower of London, and lodg'd in the House of Mr. *Bradbury*, one of the Warders.

The Lords, as was mention'd before, adjourn'd for some Time, by Reason of the *Easter* Holidays, and being met again, on Monday the 22d of *April*, a Petition of Mr. *George Kelly* was presented to the House, and read, praying, that he might have longer Time allow'd him to prepare for his Defence, and bringing up his Witnesses: But the said Petition was rejected.

*The Tryal of Mr. John Plunket at the Bar of the House of Lords.*

ON the 26th of *April*, Mrs *Plunket* was brought to the Bar of the House of Lords, where he had the Assistance of a Solicitor only, and objected to the second reading of the Bill for inflicting Pains and Penalties on him, in that House, alledging, that he had never been heard against the said Bill in the House of Commons; but this Objection was over-rul'd, and the Lord Chancellor acquainted him, this was not the proper Time to object to the Bill. Then Mr. *Reeves* and Mr. *Wearg*, were heard for the Bill, who open'd the Evidence, and produc'd Extracts of several original Letters from abroad, relating to the Conspiracy, to prove the first Part of the Preamble of the Bill. Hereupon, Mr. *Plunket* said, That if this Bill affected none but himself, he would be unconcern'd about it, and give their Lordships, no Trouble, well knowing he was so inconsiderable to merit the Attention

tion of so noble an Assembly, and being besides advanc'd in Years, he little car'd whether he was to pass the Remainder of his Days in the wide World, or in a Prison; But that he oppos'd this Bill for the Good of the whole Nation, whose Liberties and Properties would become precarious, if such an unprecedented Bill, unsupported by any legal Proof should pass into a Law: And as the Peers of the Realm were no less concern'd than the Commons, in this extraordinary Proceeding, he doubted not, but their Lordships would, with their usual Wisdom and Equity, maturely weigh the ill Consequences of it: And in the first Place, he begg'd their Lordships to consider, whether Extracts of intercepted Letters, some of them from anonymous and unknown Persons, should be admitted to be read as Evidence.

Mr. *Plunket*, the Counsel for the Bill, and all other Strangers being withdrawn, the Lord Viscount *Townshend* open'd the Debate, and endeavour'd to justify the Commons Proceeding in this extraordinary Manner, and to shew that the Conspiracy in general, and *Plunket's* Share in it, in particular, were made out by as strong and as convincing Proofs as could be expected in a Case of this Nature, where the Conspirators had us'd all Sort of Art and Industry to conceal the true Names of the Persons concern'd, in Order to avoid the Danger of legal Conviction. His Lordship was supported by the Duke of *Argyle*, the Earls of *Peterborough* and *Coningsby*, the Lord *Carraret*, and some other Courtiers; who were answer'd by the Earls *Cowper*, *Strafford*, and *Anglesey*, and the Lords *Bathurst*, *Bingley*, *Trevor*, and *Lechmere*; and after a Debate that lasted 'till about Three in the Afternoon, it was mov'd, 'that the Opinions of the Judges be ask'd; whether Extracts out of Letters written by the King's Ministers abroad, and others, 'to the Secretaries of State here, attested by the Secretary of State, and examin'd by the Lords of the Committee, and found to agree with the Originals, which Originals are yet extant, and remain in the Hands of the Secretaries of State, but contain Particulars which 'tis not consistent with the Safety of the Publick to divulge, as hath been affirm'd to this House by two Secretaries of State and the Lords Committees, offer'd to be produc'd; to prove the first Part of the Preamble of the Bill, which recites a detestable Conspiracy for the Purposes in the Bill, could be allowed to be read as Evidence in

in the Courts below, in any Prosecution against *Plunket*.

And a Question being stated thereupon, and put, it was resolv'd in the Negative ; upon which several Lords enter'd their Dissent, *viz.*

<i>Cardigan,</i>	<i>Lechmere,</i>	<i>Bathurst,</i>
<i>Anglesey,</i>	<i>Uxbridge,</i>	<i>Foley,</i>
<i>Guilford,</i>	<i>Poulet,</i>	<i>Compton,</i>
<i>Scarsdale,</i>	<i>Litchfield,</i>	<i>Weston,</i>
<i>Bruce,</i>	<i>Franc. Cestrien.</i>	<i>Willoughby de Br.</i>
<i>Craven,</i>	<i>Brook,</i>	<i>Dartmouth,</i>
<i>Aylesford,</i>	<i>Exeter,</i>	<i>Masham.</i>
<i>Gower,</i>	<i>Berkeley de Str.</i>	

Then a Motion was made and the Question put, Whether the said Extracts should be read in Proof of the Allegations of the Preamble of the said Bill ? And it being resolv'd in the Affirmative, by a Majority of 91 Voices against 29, several Lords enter'd their Protests, *viz.*

<i>Strafford,</i>	<i>Lechmere,</i>	<i>Weston,</i>
<i>Scarsdale,</i>	<i>Fr. Cestrien.</i>	<i>Gower,</i>
<i>Craven,</i>	<i>Berkeley de Str.</i>	<i>Compton,</i>
<i>Aylesford,</i>	<i>Bathurst,</i>	<i>Brook,</i>
<i>Bruce,</i>	<i>Anglesey,</i>	<i>Masham,</i>
<i>Cardigan,</i>	<i>Litchfield,</i>	<i>Dartmouth,</i>
<i>Uxbridge,</i>	<i>Foley,</i>	<i>Willoughby de Br.</i>
<i>Poulet,</i>	<i>Guilford,</i>	<i>Exeter.</i>

Then Mr. *Plunket* and the Counsel being call'd in, the latter proceeded to prove the Conspiracy in general ; and for that Purpose, caus'd several Letters, and Extracts out of Letters receiv'd from abroad, to be read. In the next Place, they offer'd to read *Neynoe's* Examinations and Confessions before a Committee of Lords of the Privy Council, but *Plunket* oppos'd the reading of them, urging, that the Examinations of a dead Man, neither sign'd or sworn to by him, could not affect him, and therefore ought not to be admitted to be read as Evidence. The Earl *Cowper* thereupon desir'd, that the House might be inform'd what Nature those Examinations were of ? And whether they were sign'd, and taken upon Oath ? To this last Question the Lord Viscount *Townshend* answer'd in the Negative ; and then gave



gave the House the Reasons of that Omission, and an Account of the said Examinations, viz.

That *Neynoe* being at first, free and willing to confess what he knew of the Conspiracy to the Lords of the Council, they only took the Minutes of what he said in three different Papers, which were each of them read twice to him, who own'd every Article of them to be true; That afterwards he, (the Lord *Townshend*) deliver'd those three Papers to Mr. *De la Faye*, in Order to his digesting them into one, which accordingly he did; That they design'd to get this Paper sign'd and sworn to by *Neynoe*, but that in the mean Time, (Whether upon the Dread of being sent to *Newgate*, unless he turn'd Evidence) he endeavour'd to make his Escape, and was drown'd. *Plunket* still insisting, that the said Examination ought not to be admitted as Evidence, and desiring their Lordships Judgment thereupon, he and the Counsel were order'd to withdraw; and then it was by the Courtiers propos'd, that the Examination of *Philip Neynoe*, since dead, be read in Proof of the Conspiracy in general. A Question being started thereupon, it was by the protesting Lords, mov'd to add these Words, viz. [But not taken upon Oath, nor sign'd by him.] After a Debate, the Question being put, Whether these Words should be made Part of the Question? It was resolv'd in the Negative, by a Majority of 87 Voices against 29; twenty of which latter, enter'd thereupon their Protest. Then the Question was put, Whether the Examination of *Philip Neynoe*, since dead, should be read in Proof of the Conspiracy in general? Which, after another Debate that lasted 'till near Seven of the Clock in the Evening, was carry'd in the Affirmative; and thereupon twenty Lords, enter'd their Dissent, viz.

<i>Scarsdale,</i>	<i>Brook,</i>	<i>Paullet,</i>
<i>Gower,</i>	<i>Foley,</i>	<i>Compton,</i>
<i>Cardigan,</i>	<i>Bruce,</i>	<i>Masham,</i>
<i>Anglesey,</i>	<i>Willoughby de Br.</i>	<i>Fran. Cestrien.</i>
<i>Stafford,</i>	<i>Exeter,</i>	<i>Unbridge,</i>
<i>Dartmouth,</i>	<i>Litchfield,</i>	<i>Craven.</i>
<i>Aylesford,</i>	<i>Weston,</i>	

Then the Counsel for the Bill produc'd several Evidences which were examin'd, and also Copies of three Letters stopp'd at the Post-Office. Then several Witnesses were examin'd against the Bill; and *Plunket* and his Solicitor were heard; which having lasted 'till Eleven of the Clock at Night, the Lords adjourn'd to the next Morning.

E b b

Accordingly

Accordingly, on Saturday the 27th of April, the Counsel for the Bill proceeded in their Evidence, and having summ'd it up, Mr. *Plunket* made some Observations thereupon, and begg'd Leave to send for some Witnesses who were in Prison for Debt. His Request was granted, and then the House adjourn'd during Pleasure. Being about an Hour after resum'd, Mr. *Plunket* produc'd several Witnesses, most of them his Countrymen, *Irish* Roman Catholicks, in order principally, to invalidate the Testimony of *Matthew Plunket*, a Serjeant of Invalids at *Plymouth*, whose Depositions bore hardest against him. Mr. *Plunket* produc'd a Graver, in Order to prove, that a Man's Hand-writing might be so nicely and perfectly counterfeited, as that not only others, but even himself might be deceiv'd by it, and not distinguish it from the true and genuine Hand: Whereby he endeavour'd to discredit and weaken the Testimony of Mr. *Radick*, a *German*, formerly an Under-Secretary to Count *Gallas*, who having been employ'd by *Plunket*, in translating into *German*, some Letters which the said *Plunket* pretended to have intercepted at Count *Bosman's*, was perfectly acquainted with his Hand, and thereupon depos'd, that *Plunket's* intercepted Letter of the 23d of *July*, 1722, sign'd *Jo. Rogers* (mention'd in the Report, Page 35.) was his Hand-writing. The Prisoner, who, by the By, made a very sorry Defence, and whose Arguments were as incoherent, as his Speeches were am-  
 fraguous and broken, having by this Time, little more to say for himself, complain'd, that while the Bill was depending in the House of Commons, he had no Time to make his Defence there. When he had done speaking, the Counsel for the Bill answer'd all his Objections, and shew'd them to be frivolous and ill grounded. They said, in the first Place, they would produce Witnesses of undoubted Credit to support *Matthew Plunket's* Reputation and Evidence: Secondly, That as to the counterfeiting a Man's Hand-writing, they did not deny the Possibility of it; but that it did not from thence follow, that it had been done in the present Case; that it was at least incumbent on the Prisoner to prove the Fact, which he had been so far from attempting to do, that on the contrary, while he was in Custody, he had been extream cautious to write any thing, for fear of furnishing the Government with Proofs against himself. That when the Serjeant at Arms attending the House of Commons, did by their Order, deliver to him a Copy of the Bill against him, he, at the same Time, caus'd Pen, Ink, and Paper to be brought to him, letting him know, that he might apply either by Petition to the  
 House

House, or by Letter to the Speaker, for Counsel to assist him in his Defence; but that he declin'd making Use of the Liberty allow'd him to write, and even refus'd signing a Letter which Captain Laroan, who guarded him at Sight, offer'd to write for him: So that it was plainly his own Fault, he did not make his Defence before the Commons. All this was confirm'd upon Oath by Captain Laroan, who gave the Lords a full Account of the Prisoner's Behaviour during his Confinement; and 'tis remarkable, that Plunket having in his bungling Manner, endeavour'd to puzzle the Captain by some Cross-questions, he foolishly betray'd himself, owning, *That the Reason why he would not write any thing, was, because he had been told, that the Government had several Letters of his, that were not yet printed, which they might compare with his Hand-writing.* The King's Counsel produc'd several other Witnesses to support their Allegations, and having made an End of their Evidences, they were order'd to withdraw. Then their Lordships examin'd the Prisoner for about a Quarter of an Hour; which done, they went through the Bill to punish him, in a grand Committee; and put off the 3d reading of it to Monday April 29.

Accordingly, on that Day, the said Bill was read the 3d Time, and after a pretty long Debate, the Question being put, Whether the said Bill should pass? It was carry'd in the Affirmative, by a Majority of 84 Voices against 37. Upon which, several Lords enter'd the following Protest, viz.

*Dissentient*

1. Because Bills of this Nature, as we conceive, ought not to pass but in Case of evident Necessity, when the Preservation of the State plainly requires it; which we take to be very far from the present Case, the Conspiracy having been detected so long since, and the Person accus'd seeming to us very inconsiderable in all Respects, and who, from the many gross Untruths, it now appears he has wrote to his Correspondents abroad, must appear to have been an Impostor and Deceiver, even to his own Party.

2. Proceedings of this Kind, tending to convict and punish, are in their Nature, tho' not Form, judicial, and do let the Commons, in Effect, into an equal Share with the Lords in Judicature, which the Lords ought to be very jealous of doing, since the Power of Judicature is the greatest distinguishing Power the Lords have, and there will be little Reason to hope, that if Bills

of this Nature are given Way to by the Lords, the Commons will ever bring up Impeachments, or make themselves Accusers only, when they can act as Judges.

3. This Bill, In our Opinion, differs materially from the Precedents cited for it. As to the Case of Sir *John Ferrwick*, 'tis plain, by the Preamble of that Bill, that the Ground most rely'd on to justify proceeding against him in that Manner, was, that there had been two legal Witnesses to prove the High Treason against him: That a Bill was found against him on their Evidence, and several Times appointed him for a legal Tryal thereon, in the ordinary Course; which he procur'd to be put off, by undertaking to discover, 'till one of the Evidences withdrew; so that it was solely his own Fault that he had not a legal Tryal by a Jury. All which Circumstances not being in the present Case, we take it, they are not at all to be compar'd to one another.

4. As to the Acts which pass'd to detain *Counter*, and others concern'd in the Conspiracy to assassinate the late King *William* of glorious Memory, we conceive, those Acts were not in their Nature, Bills of Attainder, as this is, but purely to enable the Crown to keep them in Prison, notwithstanding the Laws of Liberty; whereas this is a Bill to inflict Pains and Penalties, and does import a Conviction and Sentence on the Prisoner, not only to lose his Liberty, but also his Lands and Tenements, Goods and Chattels, of which he having none, as we believe, we cannot apprehend why it was inserted; and this Bill not drawn on the Plan of *Counter's*, &c. unless it was to make a Precedent for such Forfeitures, in Cases of Bills, which may hereafter be brought to convict Persons who have great Estates, upon Evidence which does not come up to what the Law in Being requires.

5. If there be a Defect of legal Evidence to prove this Man guilty of High Treason, such Defect always was; and we think, if Bills of this Nature, brought to supply original Defects in Evidence, do receive Countenance, they may become familiar, and then many an innocent Person may be reach'd by them; since 'tis hard to distinguish whether that Defect proceeds from the Cunning and Artifice, or from the Innocence of the Party.

6. This proceeding by Bill does not, in our Opinion, only tend to lay aside the judicial Power of the Lords, but even the Use of Juries, which distinguishes this Nation from all its Neighbours, and is of the highest Value

Value to all, who rightly understand the Security and other Benefits accruing from it; and whatever tends to alter or weaken that great Privilege, we think, is an Alteration of our Constitution for the worse, tho' it be done by Act of Parliament: And if it may be suppos'd, that any of our fundamental Laws were set aside by Act of Parliament, the Nation, we apprehend, would not be at all the more comforted from the Consideration that the Parliament did it.

7. It is of the Essence of natural Justice, as we think, but it is most surely of the Laws of the Realm, that no Person should be try'd more than once for the same Crime, or twice put in Peril of losing his Life, Liberty, or Estate. And tho' we acquiesce in the Opinion of the Judges, that if this Bill pass into a Law, *Plunket* cannot be again prosecuted for the Crimes contain'd in the Preamble of the Bill; yet it is certain, that if a Bill of this Kind should happen to be rejected by either House of Parliament, or by the King, the Person accus'd might be attack'd again and again in like Manner, in any subsequent Session of Parliament, or indicted for the same Offence, notwithstanding that either House of Parliament should have found him innocent, and not pass'd the Bill for that Reason. And we conceive it a very great Exception to this Course of Proceeding, that a Subject may be condemn'd and punish'd, but not acquitted by it.

8. We think it appears in all our History, that the passing of Bills of Attainder, as this, we think in its Nature is (except, as before is said, in Cases of absolute Necessity) have prov'd so many Blemishes to the Reigns in which they pass'd; and therefore we thought it our Duty in Time, and before the passing of this Bill as a Precedent, to give our Advice and Votes against the passing it, being very unwilling that any thing should pass, which, in our Opinions, would in the least derogate from the Glory of this Reign.

9. We apprehend it to be more for the Interest and Security of his Majesty's Government, that Bills of this Nature should not pass, than that they should, that since Persons, who think at all, cannot but observe, that in this Case some Things have been receiv'd as Evidence, which would not have been receiv'd in any Court of Judicature; that Precedents of this Kind are naturally growing (as we think this goes beyond any other which has happen'd since the Revolution) and if from such like Observations they shall infer, as we cannot but do, that the Liberty and Property of the Subject become,

by such Examples; in any Degree, more precarious than they were before; it may cause an Abatement of Zeal for a Government founded on the Revolution, which cannot, as we think, be compensated by any the good Consequences which are hop'd for by those who approve this Bill.

<i>Scarfsdale,</i>	<i>Dartmouth,</i>	<i>Exeter,</i>
<i>Strafford,</i>	<i>Lachmore,</i>	<i>Foley,</i>
<i>Aylesford,</i>	<i>Compton,</i>	<i>Craven,</i>
<i>Weston,</i>	<i>Treuer,</i>	<i>Anglesey,</i>
<i>Mafham,</i>	<i>Berkely de Str.</i>	<i>Litchfield,</i>
<i>Cardigan,</i>	<i>Conquer,</i>	<i>Ashburnham,</i>
<i>Osborn,</i>	<i>Gower,</i>	<i>Unbridge,</i>
<i>Willoughby de Br.</i>	<i>Bruce,</i>	<i>Bingley,</i>
<i>Poulet,</i>	<i>Hay,</i>	<i>Fran. Ostrion.</i>
<i>Bathurst,</i>	<i>Brook,</i>	<i>Oxford &amp; Mort.</i>
<i>Gutiford,</i>		

We now return to the Commons, who being met again on the 17th of May, order'd their Speaker to issue out his Warrants for six new Writs, for electing, 1. A Burgess for the Borough of *Malden* in *Kent*, in the Room of *Sir Thomas Colepeper*, Bart. decass'd. 2. A Burgess for the Borough of *Heydon* in *Yorkshire*, in the Room of the Right Honourable *William Pultney*, Esq; who had accepted the Office of Cofferer of his Majesty's Household. 3. A Burgess for *Great Yarmouth* in *Norfolk*, in the Room of the Honourable *Charles Townshend*, Esq; (lately created Lord *Lyns*) call'd up to the House of Peers. 4. A Burgess for the Town of *Lynn-Regis* in the County of *Norfolk*, in the Room of the Right Honourable *Robert Walpole*, Esq; who had accepted the Office of one of his Majesty's Principal Secretaries of State. 5. A Burgess for *Wilton* in *Wiltshire*, in the Room of the Honourable *Robert Herbert*, Esq; who had accepted the Office of one of the Grooms of the Bedchamber to his Majesty. And 6. A Baron for the Port of *Dover*, in the Room of the Honourable *George Berkeley*, Esq; who had accepted the Office of Master of the Hospital of *St. Katherine*. In the mean Time, there was a Conference in the Painted Chamber between Managers of both Houses, in which, the Duke of *Dorset* acquainted the Managers for the Commons, That the Lords having no farther Occasion for the original Letters and Papers, relating to the Conspiracy, their Lordships had order'd their Managers to return the same to the Commons; and they did accordingly deliver back to them the Trunk wherein were contain'd the said original Papers; which, the Commons afterwards order'd

to be deliver'd to Mr. Speaker, and that he do return the same to one of his Majesty's Principal Secretaries of State. The same Day, between Two and Three a-Clock in the Afternoon, the King came to the House of Peers with the usual State and Solemnity, and the Commons being sent for up, and attending, their Speaker, upon presenting the Bill for laying a Tax upon Papists, made a Speech, wherein he shew'd the Occasion and Necessity of that Tax, to wit, the late horrid and execrable Conspiracy, in which the Papists had a great Share. After this, his Majesty was pleas'd to give the Royal Assent to,

1. *An Act for granting an Aid to his Majesty by laying a Tax upon Papists, and for making such other Persons as upon due Summons shall refuse or neglect to take the Oaths therein mention'd, to contribute towards the said Tax, for reimbursing to the Publick, Part of the great Expences occasion'd by the late Conspiracies; and for discharging the Estates of Papists from the two third Parts of the Rents and Profits thereof, for one Year, and all Arrears of the same, and from such Forfeitures as are therein more particularly described.*

2. *An Act to continue the Duties for Encouragement of the Coinage of Money; and for Relief of William late Lord Widdrington; and to prevent foreign Lotteries being carried on in this Kingdom; and for ascertaining the Duties on bound Books imported; and for issuing Certificates and Debentures for Arrears due to five Regiments, to be satisfied by Annuities therein mention'd; and for discharging the Duties of Rock Salt lost on the Rivers Weaver and Mersey; and for limiting the Times of Continuance of Commissioners for forfeited Estates in England and Scotland respectively; and for appropriating the Supplies granted to his Majesty in this Session of Parliament; and to rectify Misnomers and Omissions of Commissioners for the Land-Tax in the Year 1723.*

3. *An Act for enabling his Majesty to put the Customs of Great Britain under the Management of one or more Commissioners; and for better knowing and ascertaining the Duties on Tobacco, and to prevent Frauds in exporting Tobacco and other Goods and Merchandises, or carrying the same Coastwise,*

4. *An Act to prevent his Majesty's Subjects from subscribing or being concern'd in encouraging or promoting any Subscription for an East-India Company in the Austrian Netherlands, and for the better securing the lawful Trade of his Majesty's Subjects to and from the East-Indies.*

5. *An Act for farther enlarging the Times for entering, hearing and determining Claims on the Estates vested in the Trustees*

Trustees of the South-Sea Company, and for obliging Persons to claim Stock by the Time therein mention'd for Money-Subscriptions, and for other the Purposes therein mention'd.

6. An Act to oblige all Persons being Papists, in that Part of Great Britain, call'd Scotland; and all Persons in Great Britain refusing or neglecting to take the Oaths appointed for the Security of his Majesty's Person and Government by several Acts therein mention'd, to register their Names and real Estates.

7. An Act for the more effectual punishing wicked and evil dispos'd Persons, going arm'd in Disguise, and doing Injuries and Violence to the Persons and Properties of his Majesty's Subjects, and for the more speedy bringing the Offenders to Justice.

8. An Act to enable Lords of Mannors more easily to recover their Fines, and to exempt Infants and Feme-Coverts from Forfeitures of their Copyhold Estates in particular Cases.

9. An Act for more effectual Execution of Justice in a pretended privileg'd Place in the Parish of St. George in the County of Surrey, commonly call'd the Mint, and for bringing to speedy and exemplary Justice such Offenders as are therein mention'd, and for giving Relief to such Persons as are proper Objects of Charity and Compassion there.

10. An Act for preventing Journeymen Shoemakers selling, exchanging, or pawning Boots, Shoes, Slippers, cut Leather, or other Materials for making Boots, Shoes, or Slippers, and for better regulating the said Journeymen.

11. An Act for making more effectual an Act pass'd in the Eighth Year of his present Majesty's Reign, intitled An Act supplying the Records of the Commissary Court of Aberdeen, burnt or lost in the late Fire there.

12. An Act to inflict Pains and Penalties on John Plunket.

13. An Act to inflict Pains and Penalties on George Kelly alias Johnson.

14. An Act to inflict Pains and Penalties on Francis Lord Bishop of Rochester.

15. An Act for repairing the Highways from the City of Gloucester, to the Top of Birdlip Hill (being the Road to London) and from the Foot of the said Hill, to the Top of Crickly Hill (being the Road to Oxford) and to oblige those concern'd in the Receipt or Payment of any Monies by Virtue of an Act of the Ninth and Tenth Years of his late Majesty King William, touching the repairing the said Highways, to account for the same to the Trustees appointed by this Act.

16. An Act for completing the Repairs of the Harbour of Dover in the County of Kent, and for restoring the Harbour of Rye in the County of Sussex, to its ancient Goodness,

17. An



17. *An Act for laying a Duty of Tax Pennies Scots, at the sixth Part of a Penny Sterling upon every Scots Pint of Ale and Beer brew'd and sold within the Town of Linlithgow and Liberties thereof in the County of West-Lothian, for paying the Debts of the said Town, and other Purposes, therein mention'd,*

And to four private Bills.

Then his Majesty was pleas'd to tell both Houses, that he had order'd the Lord Chancellor to declare to them in his Majesty's Name and Words, the Reason of his coming that Day to Parliament: Whereupon the Lord Chancellor read his Majesty's Speech to both Houses, as followeth, viz.

*My Lords and Gentlemen,*

I Am perswaded, notwithstanding the unusual Length of this Session, you will not think your Time has been misemploy'd in consulting the necessary Means for preserving the Peace and Quiet of the Kingdom, and bringing to Justice some of the chief Promoters of that Confusion which lately threatned the Nation.

The prudent Measures you have taken for our common Security, and your enabling me to defend my Kingdoms against any Designs or Attempts of our Enemies, are the most convincing Testimonies of your Fidelity and Affection to me, and of your Concern for the Liberties of my People. Be assur'd, the Confidence you have repos'd in me, shall never be made Use of but for their Safety and Defence.

The Papers which have been laid before you, for your Information, and have since been publish'd for the Satisfaction of the World, evidently shew, that the Conspirators had brought their wicked Arts and Practices to such Perfection, that they confidently carry'd on their traiterous Projects in Defiance of the Law, from an Assurance of their being able to elude it; the Respect and Reverence due to the Law had been lost, and the Tranquillity of my People endanger'd, had not you interpos'd. This made it necessary for the Legislature to exert itself in punishing such Offenders, whose Guilt is too certain to leave the least Room for Doubt, and whose Crimes are too heinous to admit of any Aggravation.

And yet it is with Pleasure I reflect, that the Justice of Parliament has been so temper'd with Mercy, that even those who are resolv'd to be dissatisfied, must acknowledge the Lenity of your Proceedings, and will be at a Loss for any Pretence to complain, so few Examples having been made, and the Penalties inflict'd, by Bill,

falling so much short of the Punishments due for the same Crimes by the common Course of Law.

The Firmness you have shewn, must convince all the World, how much they were mistaken, whose chief Hopes were founded on the Disaffection of my People. It gave me great Satisfaction to see as general a Concurrence in full Parliament upon this Occasion, as has been ever known on any former; and it is to be hop'd, our Enemies will cease to flatter themselves with the vain Imagination of being able to subvert our Religion and present Establishment.

*Gentlemen of the House of Commons,*

I must acknowledge, in a particular Manner, the great Readiness you have shewn in raising the necessary Supplies for the ensuing Year: It is an unexpected Felicity, that you have been able so far to disappoint the Hopes of our Enemies, as to avoid laying any new Burthen upon my People; and that soon after that great Shock and Convulsion in all the publick Funds, and in the Midst of intestine Alarms and Disturbances, the Credit of the Nation should so far revive and flourish, that not only the Supplies of the Year should be rais'd at a much lower Interest, than was ever known in the most quiet Times, but Part of the National Debt should be reduc'd from an Interest of 5 to 3 per Cent. and put in a Course of being soon discharg'd.

*My Lords and Gentlemen,*

I return you my most sincere Thanks for the indefatigable Pains you have taken in the Service of the Publick; I earnestly recommend it to you, in your several Stations and Countries, to persevere in your Endeavours for preserving the Peace of the Kingdom; by Justice and Resolution, to subdue the restless Spirit of Faction and Sedition; and by Prudence and Temper, to reconcile the Misted.

Some extraordinary Affairs calling me Abroad this Summer, I doubt not, but that the Wisdom and Vigilance of my good Subjects will prevent our Enemies from taking any Advantage of my Absence. To gain the Hearts and Affections of my People, shall always be my first and principal Care; on their Duty and Loyalty I will entirely depend: They may as surely depend on my Protection in the full Enjoyment of their Religion, Liberty and Property.

*Then the Lord Chancellor receiving further Directions from his Majesty, prorog'd the Parliament to Tuesday the 2d Day of July next.*

T H E  
**Chronological Diary**  
For the Year 1723.

Containing

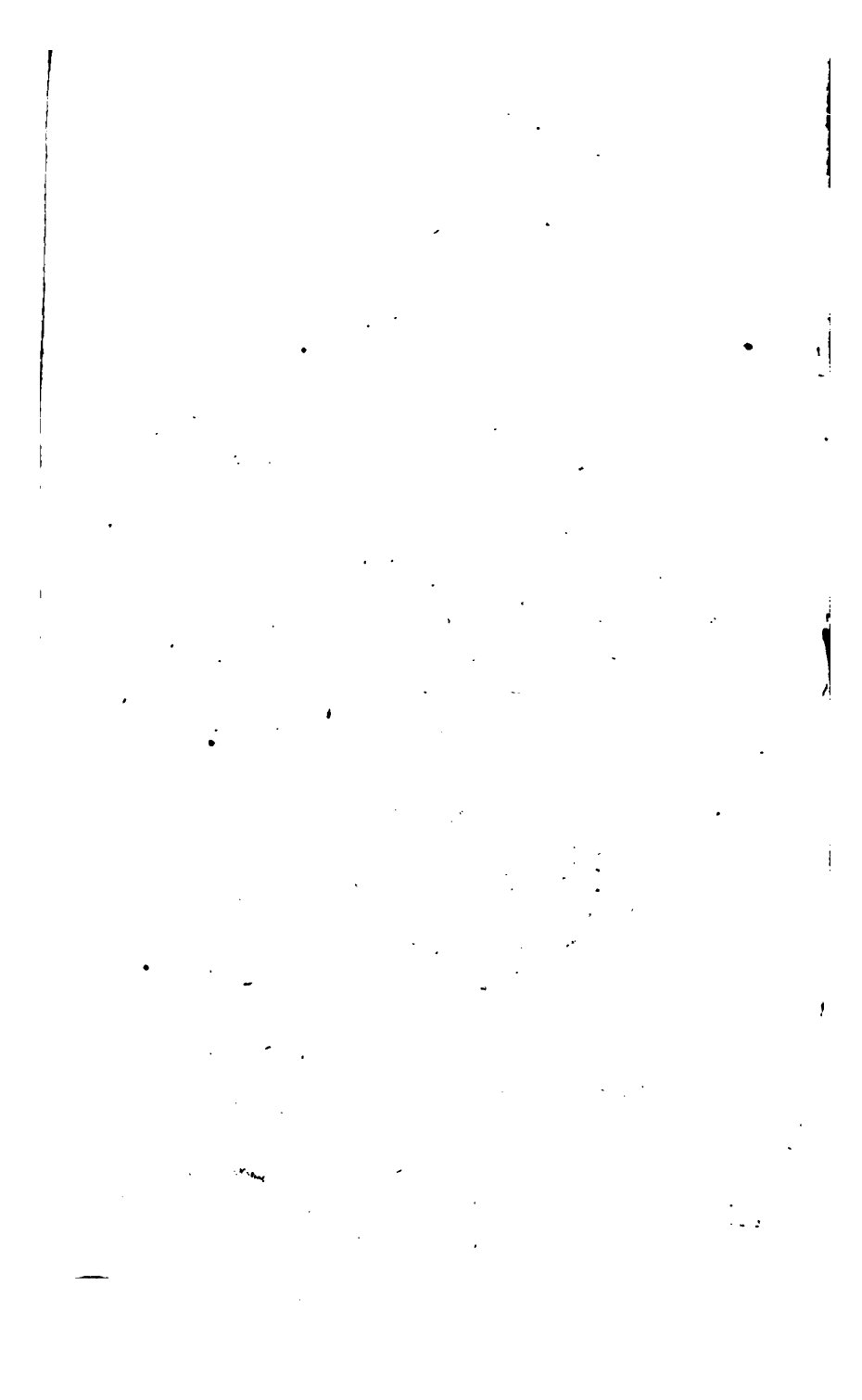
**The most remarkable Tranfactions  
and Events, as well Civil as Military,  
and Domeftick as Foreign, viz. Re-  
movals, Promotions, Births, Deaths,  
Marriages, &c. that happen'd during  
the Courfe of that Year.**

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L O N D O N,  
Printed by H. MEERE in the Old Bailey. 1723.





## The Chronological Diary, &c.

*Omitted in the last Diary, towards the End of the Year 1722.*

**T**He following Persons being insur'd in the Sun Fire-Office, and having been Sufferers by late Fires, receiv'd their full Claims for their Losses they sustain'd thereby.

*At St. Catharine's.*

*John Langley, Thomas Langley, and Mary Coverley.*

*At Wapping.*

*Richard Clark, John Harris, Elizabeth Otby, Barbara Gorman, Thomas Low, William Whiteway, Henry Batty, Clement Paillet, Whitlock Dean, Dorothy Foreman, John Harrison, Thomas Butts, John Maynard, John Maton, Thomas Crookenden, Robert Hall, Henry Hobson, Henry Sadgrove, and Jane Brand.*

*At Holborn Bridge.*

*Henry Tombes, John Crutchfield, William Bates, Robert Crouch, John Burnet, Greenhill Lindsey, Richard Churchman, Job Stanley, Caesar Parkinson, Francis Immines, Alban Lattimore, John Mills, James Pline, Ralph Gould, George Bafs, and Thomas Bishop.*

*John Daniel of Cranburn-Street in Leicester Fields; Israel Wormel in Winchester-Street, Southwark; John Jorden of Kettering in Northamptonshire; and Joseph Bell of Aylesbury in Bucks.*

The Election for Coventry being declar'd void, and a new Writ issu'd, Sir Adolphus Oughton, and John Neal, Esq; were again elected.

About this Time came Advice of a dreadful Storm that happen'd in *Jamaica*, on the 28th of *August* last; of which, see the Account at large in the Register N<sup>o</sup> XXIX. Page 6.

Dy'd Mrs. *Bembow*, Widow of the Admiral of that Name.

Dec. 12. Dy'd in a very advanc'd Age Dr. *John Caswel*, Master of *Christ's-College* in *Cambridge*, and Chancellor of the Church of *York*.

Dec. 13. Dy'd Colonel *Labene*, Deputy Governor of the Fort of *Tinmouth*.

Dec. 15. Dy'd Sir *Justus Beck* of *London*, Baronet, and his second Daughter, within half an Hour of each other.

Dy'd *George Thorne*, Esq; of \_\_\_\_\_ in the County of *Devon*, Receiver-General of that County.

*William Owen*, Esq; Son of Sir *Arthur Owen*, Baronet, elected Member of Parliament for the Town of *Pembroke*, in the Room of *Thomas Ferrers*, Esq; deceas'd.

Dec. 18. The House of Commons resolv'd, that *Charles Caesar*, Esq; sitting Member, was not, and that Sir *Thomas Clark*, Knt. the Petitioner was, duly elected to serve in Parliament for the Borough of *Hertford*.

A Fire broke out at a Sugar-House, at the Corner of *Maid-Lane* in *Queen-Street*, *Cheapside*, and burnt down the Work-House and Dwelling-House, together with the Warehouse, in which was a very great Quantity of Sugar. An adjoining House was also greatly damag'd.

Dr. *Waterland* appointed Chancellor of the Church of *York*, in the Room of Dr. *John Cornwell*, deceas'd.

*Philip Anstruther*, Esq; declar'd duly elected, and return'd for the District of the Burghs of *Kilkenny*, *Anstruther-Easter*, &c. and not *David Scot*, Esq; who was likewise return'd.

Dy'd Mrs. \_\_\_\_\_ Cook of *St. Margaret's Westminster*, aged near 100 Years: A noted Midwife, even in the Time of the great Sicknefs in *London*, in 1664, and follow'd her Practice till within a few Weeks before her Death.

Dec. 19. Sir *George Saville* of *Rufford* in the County of *Nottingham*, Baronet, marry'd to Mrs. *Mary Prat*, only Child of *John Prat* of the City of *Dublin*, Esq; Deputy Vice-Treasurer of *Ireland*, under the Lord *Moreton*, and Sir *William St. Quintin*, Baronet.

*George Lewis Schelde*, Esq; appointed one of the Commissioners of the Duties on Salt, in the Room of *Thomas Milner*, Esq; who resign'd.

Dec.

Dec. 10. His Majesty was pleas'd to grant a Reprieve for farther respiting the Execution of the Sentence of *Christopher Luyer*, Esq; under Condemnation for High Treason, till the 29th of *January* next. [See *December* 12, 1722.]

*Stephen Pointz*, Esq; appointed one of the Commissioners of the Excise, in the Room of *Sir Marmaduke Wyvell*, Baronet, deceas'd.

*Villiers*, Esq; one of the Gentlemen of the Chamber to the young Princesses, appointed Deputy Governor of the Fort of *Tinmouth*; in the Room of *Colonel Labene*, deceas'd.

Dec. 22. Dy'd of the Small Pox *Edward Rolt* of *Sacomb* in the County of *Hertford*, Esq; Member of Parliament for *Chippenham* in *Wiltshire*.

*Richard Swinfin* Esq; Petitioner, declar'd duly elected Member of Parliament for *Tamworth* in *Staffordshire*, in the Room of *Samuel Bracebridge*, Esq; sitting Member.

*Newton*, Esq; of the City of *Westminster*, marry'd to Mrs. *Cust*, Sister of *Sir Richard Cust* of in the County of *Lincoln*, Baronet.

Dec. 25. Mr. *Erle*, a noted Apothecary, in *St. John-Street*, cut his Throat, and died immediately.

Dec. 26. Dy'd Mrs. *Mary Webster*, eldest Daughter of *Sir Thomas Webster* of *Copthall* in the County of *Essex*, Baronet.

Dy'd Dr. *Ralph Tayler*, an eminent Nonjuror, formerly Rector of *Stoke-Severn*, near *Worcester*.

The Convocations of *Canterbury* and *York* prorogu'd to the 23d of *January*.

Dec. 27. Dr. *Dawson*, Vicar of *Windsor*, marry'd to Mrs. *Jacob*, Sister of *James Bridges*, Duke of *Chandos*, and Widow of Mr. *Jacob*, late Merchant of *London*.

Mr. *William Huggins*, Son of *John Huggins*, Esq; Warden of the Fleet, marry'd to Mrs. *Tyson*.

Dy'd the Margrave of *Anspach*, Brother of the Princess of *Wales*.

Dy'd *Christina-Charlotte* of *Wirtemberg*, Spouse of *William-Frederick*, Margrave of *Brandenbourg-Anspach*, in the 29th Year of her Age.

Dec. 29. Dy'd of the Small Pox *John Farmer*, Esq; Member of Parliament for *Malmesbury*.

Dy'd the Lady *Rebow*, Wife of *Sir Isaac Rebow* of *Colchester* in *Essex*, Kent.

Dec.

Dec. 31. *Edmund Neal*, and *William Pincher*, executed at Tyburn. [See Dec. 7. 1722.]

*Henry Clinton* Earl of *Lincoln*, appointed Constable of the Tower of *London*, and Lord-Lieutenant of the Tower-Hamlets, in the Room of *Charles Howard*, Earl of *Carlisle*.

Dy'd the Lady *Giffard*; Sister of the late illustrious Sir *William Temple*.

Captain *Margrett*, a Lieutenant in the first Regiment of Foot-Guards, made a Brigadier, in the 3d Troop of Horse-Guards.

### JANUARY, 1723.

Jan. 2. Dy'd *Richard Minshul*, Esq; Counsellor at Law.

*Thomas Serjeant*, Esq; remov'd from his Places of Secretary to the Constable of the Tower, and of Paymaster of the Garrison there.

*Mr. Bonville* appointed one of the Accountants of the Duty of Excise, in the Room of *Mr. Thomas Lyddal*.

Jan. 3. Dy'd Sir *Robert Adams*, Knt. in the 96th Year of his Age.

*John Casey*, Steward to *Thomas Cook* of *Norfolk*, Esq; shot himself through the Head.

*Lewis Owen* of *Peniarth* in the County of *Merioneth*, Esq; appointed *Custos Rotulorum* of the said County.

Dy'd at *Nancy* in *Lorraine*, *Charles Henry* of *Lorraine*, Prince of *Vaudemont*, in the 74th Year of his Age, being born at *Brussels*, Feb. 24, 1640. He was marry'd April 7, 1669, to *Anne Elizabeth* (Daughter of *Charles* of *Lorraine*, Duke d'*Elbenf*) who dy'd April 5, 1714. He was Knt. of the Order of the Golden Fleece; had been General of the Horse, in the Low Countries; Governor and Captain General of the Dutchy of *Milan*, and became Sovereign of *Commercy*, by the Death of *Charles-Francis* of *Lorraine*, Prince of *Commercy*, who was slain at the Battle of *Luzara*, Aug. 15, 1702. This deceas'd Prince leaving no Issue, appointed by Will, the Hereditary Prince of *Lorraine*, his Heir-General.

Jan. 4. Sir *Gilbert Heathcote*, Knt. Alderman of *London*, elected Governor of the Bank of *England*, in the Room of Sir *Thomas Scawen*, who had disqualify'd himself.

*David Lloyd*, Esq; a Captain in the Royal Navy, in the Reigns of King *Charles II.* and King *James II.* and Groom of the Bed-Chamber to the last of those Princes, with whom



whom he retir'd into France, dropt down and instantly dy'd, as he was drinking a Dish of Chocolate, at the Cocoa-Tree in Pall-Mall, aged 80 Years.

Dy'd Sir William Smith.

Paul Foley, Esq; marry'd to Mrs. Hoare, second Daughter of Henry Hoare, Esq; Banker of London.

Jan. 5. Dy'd Mr. Samuel Downes, who quitted his Fellowship in St. John's-College in Oxford, on Account of the Oaths to the present Government.

Dy'd Heywood, of Kensington-Square, Esq;

Jan. 6. Wyat, of in the County of Kent, Esq; marry'd to Mrs. Sprat, Widow of Dr. Thomas Sprat, Archdeacon of Rochester.

Jan. 7. Dy'd Mr. Holt, only Son of Henry-Newil Holt, of in the County of Leicester, Esq;

Jan. 8. Mr. Benjamin Jones, who had been a Sadler, and afterwards turn'd Solicitor, hang'd himself at his Chambers in the Temple.

Dy'd the Lady Carr, Widow of Sir Ralph Carr of in the County of Durham.

Jan. 9. Dy'd Mrs. Stanhope, Widow of Charles Stanhope, Esq;

Jan. 10. Dr. Dodd, Minister of Stepney, marry'd to a Daughter of Mr Jones, Provost of the Royal Mint.

Thomas Benson, Esq; Secondary of Wood-Street Compter, marry'd to Mrs. Keate.

Dy'd Sir Charles Hotham of Scarborough in the County of York, Baronet, Member of Parliament for Beverley, in that County, and Colonel of the Royal Regiment of Dragoons.

Jan. 11. Dy'd John Quinzey, M. D.

Jan. 13. Dy'd Mrs. Cook, Wife of Thomas Cook Esq; Vice-Chamberlain of his Majesty's Household.

Mr. Towers, Senior Fellow of Christ's-College in Cambridge, elected Master of that College, in the Room of Dr. Corwell, deceas'd

Jan. 19. Brigadier-General Groves appointed Colonel of the Regiment of Royal Dragoons, in the Room of Sir Charles Hotham, deceas'd

Colonel Charles Churchill appointed Colonel of the Dragoons, late Hotham's.

Jan. 17. The Royal African Company elected the King for their Governor, Sir Bybye Lake, Baronet, for their Sub-Governor, and Henry Neale, Esq; Deputy-Governor.

Jan. 18.

Jan. 18. The Sessions ended at the Old Bailey, where seven Persons receiv'd Sentence of Death, viz. *Charles Weaver* and *Mary Radford*, for Murder; *Richard Oakley*, *John Junks*, alias *Levee*, and *Matthew Flood*, for Robberies on the Highway; *William Blewett* and *Sarah Wells*, for returning from Transportation, without lawful Cause. *Sarah Wells* pleaded her Belly, and was found with Quick-Child. Six Men and one Woman were burnt in the Hand, and 19 Convict Felons order'd for Transportation.

*Sir Thomas Johnson* of *Liverpool* in *Lancashire*, Knt. Member of Parliament for that Borough, made Collector of the Customs in *Virginia*.

Dy'd *Thomas Swanton*, Esq; Controller of the Navy-Office, and Member of Parliament for *Salisbury* in *Cornwall*.

Jan. 19. His Majesty was pleas'd to grant a Reprieve for farther respiting the Sentence of *Christopher Layer*, Esq; to the 4th of February next. [See December 20, 1722.]

*Vitalis Michel*, Esq; marry'd to Mrs. *Anna-Sophia Herbert*.

Jan. 20. Dy'd *Horsley*, of *Gray's-Inn*, Esq; Barrister at Law.

*Thomas Burdett* of *Dunmore* in the County of *Cathlow*, in *Ireland*, Esq; is created a Baronet of that Kingdom.

Dy'd *William Freke*, Esq; Barrister at Law, of the Hurts he receiv'd by falling down the Stairs at the King's-Arms Tavern in *Lombard-Street*, on the 17th of this Month.

Dy'd Mrs. *West*, Wife of Dr. *West*, an eminent Physician in *Red-Lyon Square*.

Jan. 23. The Convocations of *Canterbury* and *York* farther prorogu'd to the 29th of March.

*James Mighels*, Esq; Rear-Admiral, appointed Controller of the Navy, in the Room of *Thomas Swanton*, Esq; deceas'd.

Jan. 25. Dy'd *Charles Barrel*, Esq; Essay-Master of the Royal Mint.

*Thomas Bowcher*, Esq; elected Member of Parliament for the Borough of *Chippenham* in *Wiltshire*, in the Room of *Edward Rolt*, Esq; deceas'd.

Jan. 28. Dy'd *James Stewart*, Earl of *Bute*, one of the Lords of the Bed-Chamber to the King, and one of the Commissioners of Trade in *Scotland*; also one of the 16 Peers of Parliament for that Kingdom.

John

*John Percival*, Baron *Percival* of *Burton* in the County of *Cork* in *Ireland*, created a Viscount of that Kingdom, by the Name, Style and Title of Viscount *Percival* of *Canturk* in the said County of *Cork*.

The King went to the House of Peers, and gave the Royal Assent to the Malt-Bill for the Year 1723.

Dy'd at *Ryswick* in *Holland*, *John-Ernest-Scholtz*, aged 114 Years 10 Months and 13 Days, having been born at *Halle* in *Saxony* on the 12th of *March* 1608. He was at the 100 Years Jubilee that was celebrated at the *Lutheran Church* at the *Hague* in 1617, computing from the first Sermon which *Martin Luther* preach'd after his Conversion in 1517; and was also at the second Jubilee celebrated on the same Occasion, in the same Church, in the Year 1717. He had been one of the Life-Guard of *Gustavus Adolphus* King of *Sweden*, and was in the Battle of *Lutzen*, where that Monarch was slain, on the 16th of *November* 1632. After that, he served as a Trooper in the Army of the States-General, in two several Regiments of Horse; became a Pensioner in 1672, and continued so till his Death.

A Proclamation publish'd in *Ireland*, promising a Reward for taking and apprehending Sir *Andrew Aylmer*, *Garret Darcy*, *John Ambrose*, *Garret Ambrose*, *Thomas Ledwith*, *William Mullan*, *Nicholas Maccar*, *Rose Wade* alias *Farrell*, *Nicholas Bathard*, and *Nugent* alias *Sheridan*, a Popish Priest.

*John Bligh*, Baron *Clifton* of *Kathmore* in the County of *East-Meath* in *Ireland*, created a Viscount of the said Kingdom by the Name, Style and Title of Viscount *Darnly* of *Athbay* in the County of *Meath* in the said Kingdom.

Dy'd *Richard Grantham* of *Golthoe-Hall* in the County of *Lincoln*, Esq; one of the Commissioners for the forfeited Estates.

*Francis Goulston*, only Son of *Richard Goulston* of *Widihale* in the County of *Hertford*, Esq; married to Mrs. *Stebings*, Heiress of the Family of that Name in the County of *Suffolk*.

*Henry South*, Esq; appointed Secretary to the Earl of *Lincoln*, as Constable of the Tower, in the Room of *Thomas Sergeant*, Esq;

Jan. 29. Dy'd of the Small-Pox Mr. *George Parker*, eldest Son of *George Parker* of *Burrington* in the County of *Devon*, Esq;

The King conferred the Honour of Knighthood on *Sydenham Foruke* of *West-Stow* in the County of *Suffolk*, Esquire.

Jan. 31. Sir *Charles Hotham*, Bart. elected Member of Parliament for *Beverly* in *Yorkshire*, in the Room of his Father Sir *Charles Hotham*, deceased.

*Desbouverie*, Esq; younger Brother of Sir *Edward Desbouverie*, Bart. marry'd to the only Daughter and Child of Mr. *Bartholomew Clarke*, Merchant of *London*.

*Henry Roper*, Lord *Tenham*, appointed one of the Gentlemen of his Majesty's Bed-Chamber, in the Room of *James Stuart*, Earl of *Bute*.

*William Penfonby*, Baron of *Besborow* in the County of *Kilkenny* in the Kingdom of *Ireland*, created a Viscount, by the Name, Style and Title of Viscount *Duncannon* of the Port of *Duncannon*, in the County of *Wexford* in the said Kingdom.

Colonel *Arundel*, marry'd to the Lady *Prideaux*, Widow of Sir *Edmund Prideaux*, Bart.

Dy'd *Edward Tryon*, Esq; one of the Gentlemen of his Majesty's Privy Chamber.

Mr. *Abraham Fowler*, appointed Gentleman-Gaoler of the Tower, in the Room of Mr. *Brooks*.

Feb. 3. Dy'd *James Littleton*, Esq; Vice-Admiral of the *White*, and Member of Parliament for *Queensborough* in the County of *Kent*.

*Langham Booth*, Esq; elected Member of Parliament for *Liverpool* in *Lancashire*, in the Room of Sir *Thomas Johnson*. (See Jan. 18.)

*Philip Lloyd*, Esq; elected Member of Parliament for the Borough of *Saltash* in *Cornwall*, in the Room of *Thomas Sawanton*, Esq; deceased.

Feb. 4. The Execution of *Christopher Laver*, Esq; farther respited 'till the 11th of this Month. (See Jan. 19.)

Feb. 5. Dy'd Sir *John Lambert*, Bart.

A Proclamation publish'd, promising the Reward of 100*l.* to any Person who shall discover any one of those disorderly Persons, who have lately assembled in great Numbers, under the Name of *Blacks*, in the Counties of *Berks* and *Southampton*, arm'd with Swords, Fire-Arms, &c. and committed great Disorders. (See the Proclamation, *Hist. Reg.* No. XXIX. Page 97.)

Feb. 6. *Richard Oakey*, *John Levee* alias *Junks*, *Matthew Flood*, and *Charles Weaver*, executed at *Tyburn*. (See Jan. 18.)

*Henry*

Henry Temple of East-Sheen in the County of Surry, Esq; created a Baron and Viscount of Ireland by the Name, Style and Title of Baron Temple of Mount-Temple in the County of Sligo, and Viscount Palmerston in the County of Dublin in the said Kingdom.

Dy'd Isabella Dutchess-Dowager of Grafton, Relict of Henry Fitz-Roy Duke of Grafton, and Wife of Sir Thomas Hanmer of Hanmer in the County of Flint, Bart. She was the only Child and Heir of Henry Bennet Earl of Arlington.

Hopson Haynes, Esq; appointed Essay-Master of the Royal-Mint at the Tower, in the Room of Charles Brattel, Esq; decess'd.

Captain Rich, appointed Agent-Vissualier at Chatham, in the Room of Mr. Partridge, decess'd.

Mr. Calvert, Son of Felix Calvert of Marcham in the County of Berks, Esq; marry'd to a Sister of Peter Calvert of Red-Lion-street in Holbourn, Esq;

Feb. 8. Upon the Motion of Sir Robert Raymond, his Majesty's Attorney-General, the Court of King's-Bench granted a Rule for bringing up Christopher Laver, Esq; again to the Bar of that Court on the 11th Instant, in order to have Execution awarded against him. (See Feb. 4.)

Feb. 10. Eyre, Esq; appointed Controller of Chelsea-Hospital.

Feb. 11. Christopher Laver, Esq; was brought to the Bar of the Court of King's Bench, pursuant to the Rule of that Court of the 8th Instant, and a new Rule was made for Writs to issue for his Execution on Wednesday the 29th of March next. (See Feb. 8.)

Dy'd in a very advanc'd Age Hildebrand Allington, Baron Allington of Killard in the County of Clare, in the Kingdom of Ireland.

Dy'd Captain Jeffreyson, of the Wounds he received the 9th of this Month, in a Rencounter with Captain Newland.

Dy'd Mr. Edmund Bridges of the Six Clerks Office.

Feb. 12. Dy'd at Paris, Anne, Palatine of Bavaria, in the 75th Year of her Age, almost accomplish'd, being born the 13th of March 1648. She was the youngest Daughter of Edward Prince Palatine, Brother of Charles-Lewis Elestor Palatine, and of Anne-Gonzague Cleves. She was marry'd on the 11th of December 1663, to Henry-Julius of Bourbon, third of the Name, Prince of Condé, first

Prince of the Blood, and Great-Master of France, who dy'd April 1, 1709.

Feb. 13. *Charles Strickland*, Esq; appointed Vice-Admiral of the *White*, in the Room of *James Littleton*, Esq; deceas'd.

*Sir George Walton*, Knt. appointed Rear-Admiral of the *Blue*, in the Room of *James Mighells*, Esq; made Controller of the Navy.

*George Duckett* of *Hertham* in the County of *Wilts*, Esq; Member of Parliament for *Calne* in that County, appointed one of the Commissioners of the Duties of Excise in the Room of *Sir Marmaduke Wyvill*, Bart. deceas'd.

Feb. 14. Dy'd Mr. *Grisdel*, Reader and Clerk of the Parish Church of *St. Martins in the Fields*.

*Peter Calvert* of *Red-Lion-street* in *Holbourn*, Esq; marry'd to a Daughter of *Felix Calvert* of *Marcham* in the County of *Berks*, Esq;

Dy'd Mr. *Sparling*, Reader and Clerk of *St. Anne's in Soho*.

Mr. *Claget*, Archdeacon of *Bucks*, appointed one of the Chaplains in ordinary to his Majesty.

*Edmund Heath*, Esq; of *Wiltshire*, elected Member of Parliament for *Calne* in *Wiltshire*, in the Room of *Benjamin Haskins Styles*, Esq; who made his Election for the *Devizes*.

February 16. Dr. *Hunt* of *Baial-College* in *Oxford*, marry'd to a natural Daughter of *Jahn Shefeld Duke of Buckingham*.

Feb. 17. Dy'd Mrs. *Baker*, Widow of *William Baker*, Esq; Son of *Sir John Baker*.

Feb. 18. *David Polhill*, of *Kent*, Esq; elected Member of Parliament for *Bramber* in *Sussex*, in the Room of *William-Charles Van Hulse*, Esq; deceas'd.

This Day 36 Felons convict, viz. 28 Men and 8 Women, were taken out of *Newgate*, and convey'd on Ship-board, in Order to be transported to *Maryland*.

Mr. *Henshaw Egellsham*, appointed Weigher and Teller at the Royal-Mint in the Tower, in the Room of *Hopson Haynes*, Esq; made Essay-Master in the Room of *Charles Brattel*, Esq; deceas'd.

Dy'd Dr. *Bardsley Fisher*, Master of *Sidney Colloge* in *Cambridge*.

Feb. 19. Dy'd Mrs. *Elizabeth de Courcy*, Mother of *Gerald de Courcy*, Baron of *Kinsale* in the Kingdom of *Ireland*, She was Daughter of *Anthony Saddler* of *Arley-hall*, in the County of *Warwick*, Esq; Godfrey

Godfrey Parker, Esq; Captain in Evans's Dragoons, made a Brigadier in the third Troop of Horse-Guards.

Feb. 21. William-Anne Kettel; Earl of Albemarle, marry'd to the Lady Anne Lenox, Daughter of Charles Lenox, Duke of Richmond.

Feb. 22. The Princess of Wales deliver'd of a Princess at Leicester House, who was baptiz'd by the Name of Mary.

Dy'd in a very advanc'd Age Mr. Thomas Dursley, Author of many Comedies, and other facetious Poems.

Feb. 24. The Princess, Spouse of the Prince Royal of Piedmont, brought to Bed at Turin, of a Prince, who was baptiz'd by the Name of Victor-Amedeus-Theodore.

Dy'd Lucy Countess Dowager Stanhope, Relict of James Earl Stanhope, who dy'd Feb. 5, 1720. She was Daughter of Thomas Pitt of Stratford in the County of Wilts, Esq;

Feb. 25. Dy'd Sir Christopher Wren, Knt. in the 91st Year of his Age. He was the only Son of Dr. Christopher Wren, Dean of Windsor, and Wolverhampton, Register of the Garter; younger Brother of Dr. Matthew Wren, Lord Bishop of Ely, a Branch of the ancient Family of the Wrens of Binschester in the Bishoprick of Durham. In the Year 1653 he was elected from Wadham College into a Fellowship of All-Souls College, Oxon. In 1657 was chosen Professor of Astronomy at Gresham-College, London; and in 1660, Savilian Professor of Astronomy in Oxford. In 1661 he was created Doctor of the Civil Law at Oxford, and some Time after at Cambridge. After the great Fire of London in 1666, he was constituted Surveyor-General for rebuilding the Cathedral Church of St. Paul, the Parochial Churches, and all other publick Buildings of this City; all which he liv'd to finish. 1669, he was constituted Surveyor-General of all the Royal Works, which Office he held 'till April 26, 1718, by Letters Patents during Pleasure, under the Great Seals of King Charles II. K. James II. K. William and Q. Mary, Q. Anne, and his present Majesty King George. In 1680 he was elected President of the Royal Society, of which he had been one of the first Promoters. In 1698 he was constituted Surveyor-General and Sub-Commissioner for the Repairs (pursuant to Act of Parliament) of the Collegiate Church of St. Peter, Westminster, in which Service he continu'd to the Time of his Death.

Feb. 26.

Feb. 26. Dy'd Robert Heysham, Esq; Alderman of London, for the Ward of Billingsgate, and President of Christ's Hospital.

A Fire happen'd at Cockhill near Ratcliffe-Cross, and burnt down three Houses.

Feb. 27. Came on the Election of an Alderman for Billingsgate Ward, in the Room of Robert Heysham, Esq; deceas'd. The Candidates were John Crowley and Joseph Bellamy, Esqrs. the last of whom was declar'd to have a Majority upon the Poll of about 40; but a Scrutiny was demanded and granted.

Roper, Esq; of Eltham in the County of Kent, dy'd of the Hurt he received by a Fall from his Horse, as he was hunting a Fox. He was 84 Years of Age, and had all his Life-Time been a keen Sportsman.

Dy'd Mrs. Alice Knipe, Relist of Dr. Knipe, formerly Master of Westminster School.

Thomas Wyndham of Harnchurch in the County of Dorset, Esq; marry'd to Mrs. Helyar of Yatley in the County of Southampton.

Dy'd Sir Francis Massam of Oates in Essex, Bart. Father of the Lord Massam.

Mr. Craven, Senior Fellow of Sidney-College in Cambridge, chosen Master of the said College, in the Room of Dr. Bardsey Fisher, deceas'd.

March 1. William Wrightson of Newcastle upon Tyne, Esq; chosen Knight of the Shire for the County of Northumberland, in the Room of Algernoon Seymour, Lord Percy, call'd up to the House of Lords.

Dr. Butler, President of Magdalen-College, Oxon. chosen Curator of the Theatre there, in the Room of Sir Christopher Wren, deceas'd.

Dy'd at Turin in the 21st Year of her Age, (being born the 5th of February, 1704) Anne-Christina-Louisa, Daughter of Prince Theodore, Palatine of Sultzbach, and of Mary-Eleanora-Amelia of Hesse-Reinfels, Spouse of the Prince Royal of Piemont, to whom she was marry'd at Verceil, the 15th of March, 1721. [See Feb. 24.]

March, 2. The Sessions ended at the Old Baily, where three Malefactors receiv'd Sentence of Death, viz. William Somersfield and William Bourk, for Robberies on the Highway, and Thomas Frost, for stealing a Horse. Two Men were burnt in the Hand, one for Manslaughter, the other for Felony, and 35 Felons Convict were order'd for Transportation.

Matthew



*Matthew Ducey Morton*, Esq; Son of the Lord *Ducey Morton*, elected Member of Parliament for *Calne* in *Wiltshire*, in the Room of *George Duckett*, Esq; made one of the Commissioners of Excise.

*March. 5.* *Capt. Charles Hardy* chosen elder Brother of *Trinity House*, in the Room of *Josiah Burchet*, Esq; who resign'd.

*Capt. Philip Vanbrugh* made Commander of the *Nassau*, in the Room of *Sir George Walton*, appointed Rear-Admiral of the *Blue*.

*Thomas Corbet*, Esq; Secretary to *Greenwich Hospital*, appointed first Clerk to the Office of Admiralty, in the Room of *Edward Burt*, Esq; deceas'd.

*March 8.* Dy'd the Lady *Gowwer*, Relict of *William-Lewisson Gowwer*, Baron of *Stittekharn*.

Dy'd *Captain Charles Desborough*, an old Sea-Officer, and some Time Commander of the *Fubbs Yacht*.

*March 9.* The Dutchess of *Rutland* brought to Bed of a Son.

*William Poole*, Esq; marry'd to *Mrs. Frances Pelham*, Daughter of *Henry Pelham*, Esq; late Clerk of the *Pells*.

*March 11.* *Henry Grey*, Esq; elected Member of Parliament for *Berwick upon Tweed*, in the Room of the Lord Viscount *Barrington*, expell'd the House for being concern'd in promoting the *Harburgh Lottery*.

*March 12.* *John Friend*, Esq; M. D. Member of Parliament for *Launceston* in *Cornwall*, taken into Custody of one of the King's Messengers.

*March 14.* A Proclamation publish'd, appointing a general Day of Thanksgiving throughout *England* and *Wales*, for our Preservation from the Plague which lately rag'd in *France*.

The Earl of *Orrery*, upon a Representation of the dangerous State of his Health, admitted to Bail. [See *Sept. 28, 1722*]

Dy'd *William Mayo* of *Hope* under *Dirimore* in the County of *Hereford*, Esq; Member of Parliament for the City of *Hereford*.

*March 15.* Dr. *John Friend* committed to the Tower for High Treason. [See *March 12.*]

Dy'd suddenly *Hatley*, Esq; a Cornet of Horse.

*March 16.* *Capt. James Farrel* of *Colonel Cadogan's* Regiment, shot himself in *Hyde Park*, and dy'd immediately.

Dy'd

Dy'd Sir Robert Breeding, Knt. a Brewer in London, and had been Sheriff of that City and Middlesex.

March 17. Dy'd Mrs. Gerrard, Daughter of Sir Samuel Gerrard, Knt. Senior Alderman of London.

March 18. Dy'd William Meadman, Esq; Captain of an Independent Company at Sheerness.

March 19. Sir Francis Forbes, Knt. Alderman of London, elected President of Christ's Hospital, in the Room of Robert Heysham, Esq; decess'd.

The Lord Forbes elected Member of Parliament for *Cottingham*, in the Room of James Littleton, Esq; decess'd.

George Nevill, Lord Abergavenny, marry'd to Mrs. Elizabeth Thornicroft, eldest Daughter of Colonel Thornicroft.

March 20. Dy'd the Lady Holford, Relict of Sir Richard Holford, one of the Masters in Chancery.

March 21. The Princess Royal of Denmark, deliver'd of a Prince, who was baptiz'd by the Name of Frederick.

March 23. Dy'd George Spencer, Esq; Son of Charles Earl of Sunderland, by his last Wife.

William Duckett, Esq; made Major of the 2d Troop of Horse-Grenadiers.

March 26. The Execution of Christopher Layer, Esq; pursuant to the Sentence pass'd upon him for High Treason, further respited 'till the 3d of May. (See Feb. 12.)

Dy'd Mr. Nathanael Smith, one of the Assistant-Surgeons of St. Bartholomew's Hospital, a celebrated Anatomist.

Dy'd the Lady Matthews.

Colonel Pyott made Lieutenant of the Troops of Horse-Guards, commanded by the Lord Forbes.

Philip Gery, Esq; made Major of General Ewan's Regiment of Dragoons.

March 28. The Lady March, Wife of the Earl of March, Son of Charles Lenox, Duke of Richmond, brought to Bed of a Daughter.

Mr. Barry elected Lecturer of St. Giles's Cripplegate.

April 1. Dy'd Edward Hyde, Earl of Clarendon, Viscount Cornbury, and Baron Hyde of Hindon, and dying without Issue, the Earldom descended to his Cousin-German Henry Hyde, Earl of Rochester.

April 2. Dy'd Sir Richard Sandford of Houghil-Castle in the County of Westmorland, Bart. Member of Parliament for the Borough of *Apulby* in that County.

Dy'd Peter Lekeux, Esq; one of the Justices of Peace, and Deputy-Lieutenant of the Tower-Hamlets.

James

April 2. *James Walwyn*, Esq; elected Member of Parliament for the City of *Hereford*, in the Room of *Walter Mayo*, deceased.

*Sir Gilbert Heathcote*, chosen Governor of the Bank of *England*, and *William Thompson*, Esq; Deputy-Governor for the Year ensuing.

April 3. The following Persons chosen Directors of the Bank, for the Year ensuing, viz. *Sir Gerard Conyers*, Knight; *Lord Mayor*, *Thomas Cooke*, Esq; *Mr. Delithir Carbonnel*, *Sir Peter Delme*, Knight, and Alderman, *Mr. John Francis Fauquier*, *Sir Nathanael Gould*, Knt. *Mr. Nathanael Gould*, *John Hanger*, Esq; *Sir William Humphreys*, Knt. and Bart. Alderman, *Mr. Henry Herring*, *Sir William Jolliffe*, Knt. *Sir Randolph Knipe*, Knt. and Alderman, *Christopher Lethuillier*, Esq; *Mr. John Lordell*, *Horatio Townshend*, Esq; *Sir John Ward*, Knt. and Alderman: And the following who were new Directors, not being chosen the Year before, viz. *Mr. Robert Atwood*, *Edward Bellamy*, Esq; Alderman, *Richard Du Cane*, Esq; *Mr. Barrington Eaton*, *Mr. Matthew Howard*, *Sir Philip Jackson*, Knt. *John Olmins*, Esq; *Sir Thomas Sawen*, Knt. and Alderman.

Colonel *Burroughs* appointed Auditor of the Duties on Leather.

Dy'd the Lady *Jenkinson*, Relict of *Sir Jonathan Jenkinson*, of *Walcot* in the County of *Oxford*, Bart.

April 4. The following Persons chosen Directors of the *East-India Company* for the Year ensuing, viz. *Wm. Aislabie*, Esq; *Mr. Abraham Adams*, *Mr. John Bance*, Captain *Richard Boulton*, *Francis Child*, Esq; Alderman, *Dr. Caleb Cotesworth*, *John Cooke*, Esq; *John Drummond*, Esq; *Mr. John Eccleston*, *John Gould*, Esq; *Edward Harrison*, Esq; *John Herbert*, Esq; Capt. *Robert Hudson*, *Mr. Henry Kelsey*, *Henry Lyell*, Esq; *Mr. Balthasar Lyell*, *Matthew Martin*, Esq; *Mr. Edward Owen*, *Mr. Simon Thunemans*, *Edward Turner*, Esq; *Mr. Elihu Trenchfield*, *Josias Wordsworth*, Esq; *Mr. Josias Wordsworth*.

Dy'd Mr. *Johnson*, one of his Majesty's Justices of the Peace for the County of *Hertford*, Rector of *Hertingford-Bury* in that County, and of *St. Andrews* in the Borough of *Hertford*.

April 5. *Mr. William Green* chosen Assistant-Surgeon of *St. Bartholomew's Hospital*, in the Room of *Mr. Nathanael Smith*, deceased.

Dy'd *John Carter*, Esq; of *Westminster*.

Dy'd *Dr. Bentham*, Rector of *Stevenage*, in the County of *Hertford*.

April 6. Dy'd Colonel *Frampton*  
Mr. ~~Edward~~ *Edward* ~~Sworn~~ *Ghyssie* in Ordinary to his Majesty.

April 7. The Countess of *Delwich*, Wife of *Francis* ~~Seet~~, Earl of *Delwich*, brought to Bed of a Daughter.

Dy'd *William* *Player* of *Hatch* in the County of *Somerset*, Esq;

April 8. *William* *Bourke*, executed at *Tyburn*. [See *Marsh* a.]

The Lady *Townshend*, Wife of *Charles* Lord Viscount *Townshend*, brought to Bed of a Daughter.

April 10. The King went to the House of *Peers*, and gave the Royal Assent to several Bills, which See in Hist. Reg. N<sup>o</sup>

The new-born Son of *John* *Manners*, Duke of *Rutland*, was baptiz'd by the Name of *George*; his Majesty and the Prince standing Godfathers, and the Countess of *Holderness* Godmother.

April 11. Mr. *John* *Plunket*, who had been several Months in the Custody of *Messengers*, was committed Prisoner to the Tower of *London*, by the Lords of the Council, for High-Treason.

Dy'd in the 72d Year of his Age, Dr. *John* *Rebington*, Bishop of *London*, the 93d in Number, without computing the 16 Archbishops mention'd by *Galwyn*. In the Reign of *William* III. he was, first, Resident, then Envoy Extraordinary in *Sweden*, and at other Northern Courts; and wrote an History of *Sweden*. He was continu'd Minister there by Queen *Anne*, who made him Dean of *Windser*, Register of the *Garret*, and one of the *Rechen-daries* of *Canterbury*, and in the Year 1710 promoted him to the See of *Bristol*, made him Lord Privy Seal, one of her Plenipotentiaries at the Congress of *Utrecht*, Privy Counsellor, and one of the Commissioners for building the 50 new Churches. In the Year 1713, upon the Death of Dr. *Henry* *Compton*, Bishop of *London*, he was translated to that See, and elected one of the Governors of the Charter-House, and made Dean of the Royal Chapel at *St. James's*. In the Reign of King *George*, he was continu'd some Time Dean of the Chapel, Privy Counsellor, and appointed one of the Commissioners for finishing *St. Paul's* Cathedral.

April 11. The King conferr'd the Honour of Knighthood on *Gerard* *Roeters*, a *Dutch* Merchant.

Colonel

Colonel *Brown* made Lieutenant-Colonel of the Regiment of *Evans's* Dragoons.

Dy'd at *Paris*, at the Age of 64 Years, *James Maule*, Earl of *Fanmure*, and Lord *Brechin* in *Scotland*; but attainted of High-Treason, being concern'd in the Rebellion in 1715, and after the Defeat of the Rebels, made his Escape into *France*. He marry'd the Lady *Mary Hamilton*, 3d and youngest Daughter of *William Duke of Hamilton*, but left no Issue.

April 12. A *Conge d'Elire* pass'd the Seals for translating Dr. *Edmund Gibson*, Bishop of *Lincoln*, to the See of *London*, vacant by the Death of Dr. *John Robinson*.

The Countess of *Castelhaven*, Wife of *James Touchet*, Earl of *Castelhaven* in *Ireland*, and Baron *Audley* of *Heleigh* in *England*, brought to Bed of a Son.

Dy'd Mr. *William Wytt*, one of the Clerks of the Treasury.

April 14. Mr. *Charles Lowndes* appointed Clerk of the Treasury, in the Room of Mr. *William Wytt* deceased; and

Mr. *For* appointed to succeed Mr. *Charles Lowndes*, as a Clerk in that Office.

*Nicholas Philpot* Junior, Esq; made one of the Commissioners for licensing and regulating Hackney Coaches and Chaises, in the Room of *Wool Smith*, Esq;

April 16. *William Montagu*, Duke of *Manchester*, marry'd to the Lady *Isabella Montagu*, eldest Daughter of *John Duke of Montagu*.

Dy'd *Charles Dilly*, Esq; formerly an Exempt in the 4th Troop of Guards.

*Barcy Dawes*, Esq; Son of Sir *William Dawes*, Lord Archbishop of *York*, marry'd to Mrs. *Sarah Roundell* of the City of *York*.

April 18. Dy'd the Lady *Knatchbull*, Wife of Sir *Edward Knatchbull* of *Marham-Hatch*, in the County of *Kent*, *Bart*.

Dr. *Richard Reynolds*, Bishop of *Bangor*, translated to the See of *Lincoln*, vacant by the Translation of Dr. *Edmund Gibson*, to the See of *London*; and

Dr. *William Baker*, Rector of *St. Giles's in the Fields*, appointed Bishop of *Bangor*, in the Room of Dr. *Richard Reynolds*.

April 23.

April 23. *Baldwyn Wake*, Esq; marry'd to, *Mrs. Mary Lane* of

The Dutchesse of *Bridgewater*, Wife of *Scroop Egerton*, Duke of *Bridgewater*, brought to Bed of a Daughter.

April 24. Dy'd *Grey Neville* of *Billingbear* in the County of *Berks*, Esq; Member of Parliament for *Berwick upon Tweed*.

April 25. *John Reignolds*, Esq; appointed Clerk of the Cheque at *Plymouth*, in the Room of Mr. *Goulding*, deceas'd.

April 26. Dy'd Brigadier-General *Lankfan*.

Dy'd *Dunch*, Esq;

Dy'd The Lady *Ward*, Relict of Sir *Edward Ward*, some time Lord Chief Baron of the Exchequer.

*James Lowther* of *Flat-Hall*, in the County of *Somerset*, elected Member of Parliament for *Apsley* in *Westmoreland*, in the Room of Sir *Richard Sandford*, Bart. deceas'd.

April 27. The Sessions ended at *Justice Hall* in the *Old Baily*, where three Malefactors receiv'd Sentence of Death, viz. *Luke Nunney* for Murder; *Richard Tranton*, for Felony and Burglary, and *Mary Chandler* for Shoplifting; she pleaded her Belly, and the Jury of Matrons brought in their Verdict, that she was with Child, but not with Quick Child. Seven were burnt in the Hand, and 24 Felons Convict, order'd for Transportation. *Sarah Prettyn*, alias *Sally Salisbury*, being convicted of assaulting and wounding the honourable *John Finch*, Esq; was fin'd 100 l. to suffer 12 Months Imprisonment, and to find Securities for her Good Behaviour for two Years after.

*Joseph Briscoe*, Esq; made Land-Surveyor of the Customs in the Port of *London*, in the Room of *Charles Furwell*, Esq;

April 29. Dy'd Sir *William Steward*, Kt. Alderman of *Cripplegate Ward*, and President of *St. Bartholomew's Hospital*.

Dy'd *Robert Mansel*, Esq; eldest Son of *Thomas Lord Mansel* of *Margam*, and Member of Parliament for *Minehead* in *Somersetshire*.

May 2. Came on the Election of an Alderman of *Cripplegate Ward*, in the Room of Sir *William Steward* deceas'd. The Candidates were Sir *John Williams*, and *Felix Feast*, Esq; the last of whom was upon a Poll declar'd duly elect, but a Scrutiny was demanded and granted.

A Fire broke out at a Barber's House in *Hart-street*, *Bloomsbury*, which consum'd that House with one more; and damag'd several others. Mr. *Thomas Gilbert*, an Apothecary, being in Bed in the House where the Fire began, perill'd in the Flames.

Dy'd *Peter Crispe*, Esq; Controller of the Excise in Ireland.

May 3. *Christopher Layer* was brought from the Tower to the Court of *King's Bench*, pursuant to a Rule of that Court; and a new Rule was made for his Execution on the 17th of this Month. (See *March 26.*)

Colonel *Robert Hayes*, made Colonel of the Regiment of Foot of Colonel *Thomas Chudleigh*, who resign'd.

Dy'd Dr. *Blomer*, Rector of *All-Hallows, Bread-street*.

May 4. Dy'd *Heigham Bendysh* of *East-Ham* in *Essex*, Esq;

Dr. *Edmund Gibson*, Bishop of *London*, elected one of the Governors of the Charter-House, in the Room of Dr. *John Robinson*, his Predecessor in the See of *London*, decess'd.

May 5. Dy'd the Lady *Delme*, Wife of Sir *Peter Delme*, Kt. and Alderman of *London*.

*Kerr*, Esq; elected Member of Parliament for *Berwick upon Tweed*, in the Room of *Grey Neville*, Esq; decess'd.

May 6. Dy'd *John Newey*, D. D. Prebendary of *Winchester*, Precentor and Prebendary of *Exeter*, and Rector of *Winston* in *Hampshire*.

Mr. *John Lynch*, presented to the Rectory of *All-Hallows Bread-street*, vacant by the Death of Dr. *Blomer*.

May 7. Dy'd Major-General *Holmes*.

The King conferr'd the Honour of Knighthood on *Chaloner Ogle*, Esq; Captain of the *Swallow* Man of War.

Dy'd at *Olau* in *Silesia*, in the 29th Year of her Age, the Princess *Maria-Casimira*, Daughter of Prince *James-Lewis Sobieski*.

May 8. Mr. *Colbatch* of *Trinity-College* in *Cambridge*, committed Prisoner by Order of the Court of *King's Bench*, for writing a Book entitled, *Jus Academicum*, &c.

Dy'd Colonel

*Long*.

May 9.

May 9. The General Assembly of the Church of Scotland, met at Edinburgh, and chose for their Moderator, Mr. James Smith.

May 10. Dy'd Dr. Thomas Bonchier, Commissary of the Diocese of Canterbury, Archdeacon of Lewes, &c.

May 12. The Wife of Montague-Gerard Drake of Sharneloes in the County of Bucks, Esq; brought to Bed of a Son.

John Poole Jun. Esq; made Controller of the Cash at the Exchequer-Office.

Captain William Lloyd, Commander of the Harwich Ship, stow'd near Harwich, by the Oversetting of his Long-Boat.

May 14. William Morgan of Tredegar in the County of Monmouth, Esq; Knight of the Shire, and also Lieutenant of that County, marry'd to the Lady Rachel Cavendish, eldest Daughter of William Cavendish, Duke of Devonshire.

May 15. A Fire broke out at the House of Pool, a Barber in Bear-street near Leicester-Fields, and consum'd that House only.

Dy'd Mr. Nicholson, Master of the Apothecaries Company, and Brother of Dr. William Nicholson, Bishop of Londonderry in Ireland.

May 16. Jennings of Hayes in Middlesex, Esq; marry'd to Mrs. Elizabeth Moyer, Daughter of Sir Samuel Moyer, Knt. a Turkey Merchant of London.

Henry Roper, Lord Tenham, shot himself through the Head with a Pistol, at his House in the Hay-Market, and dy'd immediately, aged 47 Years. He was one of the Lords of the Bed-Chamber to the King, and being bred a Roman Catholick, embrac'd the Protestant Religion about 3 Years before his Death. He was thrice marry'd; and by his first Wife, who was Catharine, Daughter of Philip Smith, Viscount Strangford in the Kingdom of Ireland, he left 3 Children; Philip, by whom he was succeeded in Honour and Estate, Henry and Elizabeth. By his second Wife, who was Daughter of Sir John Gage of Fittle in Sussex, Bart, he left no Issue. And by his 3d Wife, the Lady Anne Leonard, Daughter of Thomas Leonard, Earl of Suffex, and Widow of Barret of Bell-Bush in Essex, Esq; he left two Children.

Captain



Captain George Eaily made Commander of the Hawk Sloop, in the Room of Captain William Lloyd, deceas'd. (See May 12.)

Mr. Denis, Master of a Coffee-House in Great James-street, near Lamb's-Conduit, fell from his Horse and dy'd immediately.

Barrow, Esq; appointed Contraller of the Excise in Ireland, in the Room of Peter Grigor, Esq; deceas'd.

Mr. St. Andre, Surgeon, appointed Anatomist to his Majesty.

May 17. Christopher Layer, executed at Tyburn. (See May 3.)

Francis Whitworth, Esq; chosen Member of Parliament for Minehead in Somersetshire, in the Room of Robert Mansel, Esq; deceas'd.

May 18. Dy'd Sir Thomas Colepeper of Preston-Hall in the County of Kent, Bart. Member of Parliament for Maidstone, in that County.

Dr. Colclatch, brought to the Court of King's Bench, fin'd 50*l*. and bound to his good Behaviour for 12 Months. (See May 8.)

Dy'd Peter Hambly, Esq; an eminent East-India Merchant of London.

May 21. Richard Ashurst, Esq; of in the County of Essex, marry'd to Mrs. Woolley

Richard Chicheley, Esq; Secretary to the Archbishop of Canterbury, appointed Commissary of that Diocese, in the Room of Dr. Bauchier, deceas'd.

Dr. Exton Sayer, made Official of the Archdeaconry of Canterbury, in the Place of Dr. Bauchier, deceas'd.

May 22. Arthur Van Sittern of Ormond-street, Esq; marry'd to Mrs. Stonehouse, Daughter of Sir

John Stonehouse of Radley in the County of Berks, Bart.

Charles Townshend, Esq; eldest Son of Charles, Viscount Townshend, call'd up by Writ to the House of Peers, by the Style and Title of Baron Townshend of Lynne Regis in the County of Norfolk.

Charles Townshend, Baron Townshend of Lynne, appointed one of the Gentlemen of his Majesty's Bedchamber, in the Room of Henry Raper, Lord Tenham, deceas'd.

May 23. Dy'd James Sanderson, Earl and Viscount Castleton, Baron of Sandy, and Baronet. All which Honours, he dying unmarried, became extinct by his Death.

A Marriage was celebrated in the Royal Palace at *Berlin*, between the Hereditary Prince of *Saxe Ey Senach*, and the Princess, eldest Daughter of his Royal Highness, the Margrave, *Albert-Frederick* of *Brandenbourg*.

*William Pulteney*, of *St. James, Westminster*, Esq; Member of Parliament for *Haydon* in *Yorkshire*, appointed Cofferer of his Majesty's Household, in the Room of *Francis Godolphin*, Earl of *Godolphin*.

*John Merryl* of *Launston* in the County of *Southampton*, Esq; Member of Parliament for *Tregony* in *Cornwall*, appointed Deputy-Cofferer, in the Room of *Edwards*, Esq;

May 24. Dy'd Countess-Dowager of *Abercorn*.

Dy'd Mrs. *Bicknell*, an eminent Actress at the Theatre in *Drury-Lane*.

Dy'd Mr. *Benjamin Tooke*, a noted Bookseller.

Dy'd Dr. *John Hammond*, Canon of *Christ-Church* in *Oxford*.

Dy'd of the Small Pox, at *Nancy* in *Lorraine*, Prince *Leopold-Clement*, eldest Son of the Duke of *Lorraine*, in his 17th Year, being born the 25th of *April* 1707.

May 25. *Richard Trantam*, and *Luke Nunney*, executed at *Tyburn*. (See *April* 17.)

*Francis Godolphin*, Earl of *Godolphin*, appointed Groom of the Stole to his Majesty, in the Room of *Charles Spencer*, Earl of *Sunderland*, deceas'd.

*Charles Howard*, Earl of *Carlisle*, appointed Constable of *Windfor Castle*, and of the Parks, Forests, and Warrens there; also Governor and Captain of the said Castle, and the Forts and Fortifications thereunto belonging, in the Room of *Richard Temple*, Lord Viscount *Cobham*.

*Robert Herbert*, Esq; Son of *Thomas Herbert*, Earl of *Pembroke*, appointed Groom of the Bedchamber to his Majesty.

*Philip Lord Stanhope*, Son of *Philip Stanhope*, Earl of *Chesterfield*, appointed Captain of the Yeomen of the Guard of his Majesty's Body, in the Room of *James Stanley*, Earl of *Derby*.

*George Berkeley*, Esq; appointed Master-Keeper and Governor of the Hospital or Free Chapel of *St. Catharine's*, near the *Tower*, in the Room of *William Farrer* of *Bidenham* in the County of *Bedford*, Esq;

*Richard Temple*, Lord Viscount *Cobham*, appointed Governor of the Isle of *Jersey*.

May 26. Dy'd *John West*, Lord *De la War*, and was succeeded in Honour and Estate by his Son, *John West*, Esq;

*Francis Godolphin*, Earl of *Godolphin*, sworn of his Majesty's most honourable Privy Council, and took his Place at the Board accordingly.

*Dr. Edmund Gibson*, Lord Bishop of *London*, sworn of his Majesty's most honourable Privy Council, and took his Place at the Board accordingly.

His Majesty declar'd to his Privy Council, that some extraordinary Affairs call'd him abroad this Summer, and nominated the following Persons to be Lords Justices for the Administration of the Government, during his Absence, viz. *Dr. William Wake*, Lord Archbishop of *Canterbury*, *Thomas Parker*, Earl of *Macclesfield*, Lord Chancellor of *Great Britain*, *Henry Bayle*, Lord *Carlisle*, Lord President of the Council, *Evelyn Pierpoint*, Duke of *Kington*, Lord Privy Seal, *John Campbell*, Duke of *Argyle* and *Greenwich*, Lord Steward of the Household, *Thomas-Holles Pelham*, Duke of *Newcastle*, Lord Chamberlain of the Household, *Charles Fitz-Roy*, Duke of *Grafton*, Lord Lieutenant of *Ireland*, *William Cavendish*, Duke of *Devonshire*, *John Ker*, Duke of *Roxburghe*, one of his Majesty's Principal Secretaries of State, *James Berkeley*, Earl of *Berkeley*, *Francis Godolphin*, Earl of *Godolphin*, *William Cadogan*, Earl *Cadogan*, *Charles Townshend*, Lord Viscount *Townshend*, Principal Secretary of State, *Simon Harcourt*, Lord Viscount *Harcourt*, *John Cartaret*, Lord *Cartaret*, one of his Majesty's Principal Secretaries of State, and *Robert Walpole*, Esq; Chancellor of the Exchequer.

*William Sharpe*, Esq; sworn Clerk Extraordinary of his Majesty's most Honourable Privy Council.

His Majesty in Council, directed Orders to be issu'd for admitting to Bail *Thomas Howard*, Duke of *Norfolk*, *William North*, Lord *North* and *Grey*, *Dennis Kelly*, and *Thomas Cockran*, Esqrs. and *David du Boyce*.

His Majesty in Council, order'd that the respective Convocations of *Canterbury* and *York*, which stood prorog'd to the 31st of May, should be farther prorog'd to the 16th of October.

May 27. Dy'd *Charles Lenox*, Duke of *Richmond* and *Lenox*, one of the Lords of the Bedchamber, and Knight of the most noble Order of the Garter, in the 51st Year

of his Age, being born July 29, 1672. He was Son of King Charles II. by *Louisa de Queroualle*, a French Lady, created Dutchess of *Portsmouth* for Life. He marry'd *Anne* Daughter of *Francis Lord Brudenel* (Sister of *George Brudenel*, Earl of *Cardigan*, and Widow of *Henry Lord Bellasye of Worlaby*) by whom he had Issue one Son, *Charles* Earl of *Marish*, who succeeded him in Honour and Estate; and two Daughters, the Lady *Louisa Lenox*, marry'd to *James Berkeley*, Earl of *Berkeley*, who dy'd before her Father, and the Lady *Anne Lenox*, marry'd to *William-Anne Kevel*, Earl of *Albemarle*.

The King went to the House of Peers, gave the Royal Assent to several Bills, and made a Speech to both Houses: After which, the Lord Chancellor, by the King's Command, prorogu'd the Parliament to the 2d of July.

A Fire broke out in the Stables of the *Saracen's Head* Inn in *Camomle-street* near *Bishopsgate*, and consum'd 5 or 6 Houses and Stables.

A Patent pass'd the Seals for pardoning *Henry St. John*, late Viscount *Bolingbroke*, attainted for High Treason in 1st Year of the Reign of his Majesty.

*Thomas Morgan*, Esq; elected Member of Parliament for the Town of *Brecon*, in the Room of *William Morgan*, Esq; who made his Election to serve for the County of *Monmouth*.

Dy'd Dr. *Woodhouse*, an eminent Physician, of *Berkhamstead* in *Hertfordshire*.

Dy'd the Lady *Delves*, Wife of Sir *Thomas Delves* of *Warwick*, Bart.

May 29. *James Ogilvy*, Earl of *Finlater*, sworn one of the Lords of his Majesty's most Honourable Privy Council, and took his Place at the Board accordingly.

Dy'd Mr. *Searle*, Accountant of the General Post-Office.

*Charles Townshend*, Lord *Lynne*; eldest Son of *Charles Viscount Townshend*, marry'd to Mrs. *Harrison*, Daughter of *Edward Harrison* of *Balls* in the County of *Hertford*, Esq;

*Thomas Howard*, Duke of *Norfolk*, *William North*, Lord *North* and *Grey*, *Dennis Kelly*, and *Thomas Cockran*, Esqrs. Prisoners in the Tower, and *David du Boyce*, Prisoner in *Newgate*, admitted to Bail.

May 30. *Westly* of *Ramfield* in *Yorkshire*, Esq; marry'd to the Lady *Charlotte Darcy*, Sister of *Robert Darcy*, Earl of *Holderness*.

Dy'd

Dy'd Sir *James Wishart*, formerly Rear Admiral.

Dr. *William Bradshaw*, Prebendary of *Canterbury*, made Canon of *Christ-Church, Oxon*, in the Room of Dr. *John Hammond*, decess'd.

Dr. *John Clarke*, appointed Prebendary of *Canterbury*, on the Resignation of Dr. *John Bradshaw*.

*Robert Walpole*, Esq; (Son of *Robert Walpole* of *Houghton* in the County of *Norfolk*, Esq; one of his Majesty's Principal Secretaries of State, Chancellor of the Exchequer, &c.) created a Peer of *Great Britain*, by the Name, Style, and Title of Baron *Walpole* of *Walpole* in the County of *Norfolk*.

Dr. *Samuel Bradford*, Bishop of *Carlisle*, translated to the See of *Rochester*, and appointed Dean of the Collegiate Church of *St. Peter's, Westminster*; both which Dignities became vacant by the Deprivation of Dr. *Francis Atterbury*.

Dr. *John Waugh*, Dean of *Gloucester*, made Bishop of *Carlisle*, in the Room of Dr. *Samuel Bradford*, translated to the See of *Rochester*.

Dr. *John Frankland*, appointed Dean of *Gloucester* in the Room of Dr. *John Waugh*, made Bishop of *Carlisle*.

Dr. *John Herbert*, made Prebendary of *Westminster*, in the Room of Dr. *John Waugh*, promoted to the See of *Carlisle*.

*Humphrey Gore*, Esq; Major-General of his Majesty's Forces, appointed Governor of *Kinsale* and *Charles-Fort* in the County of *Cork* in *Ireland*.

*John Frederick* of *Westminster*, Esq; created a Baronet of *Great Britain*.

May 31. The Countess of *Rochford*, Wife of *Frederick Zulestein*, Earl of *Rochford*, brought to Bed of a Son.

Sir *Barnham Rider* of *Boughton*, in the County of *Kent*, Bart. elected Member of Parliament for *Maidstone* in that County, in the Room of Sir *Thomas Colepeper*, decess'd.

June 1. The Sessions ended at *Justice Hall* in the *Old Baily*, where four Persons receiv'd Sentence of Death, viz. *Joseph Chapman*, *John Tyrrel* alias *Tenant*, and *William Parsons*, all for Horse-Stealing; and *William Hawksworth*, a Soldier in the Foot-Guards, for the Murder of *John Ransom*, a Chandler, and 21 Felons Convict were order'd for Transportation.

Dy'd

Dy'd Thomas Wood of Littleton in the County of Middlesex, Esq;

Mr. Horn, Deputy-Accountant of the Post-Office, made Chief-Accountant there, in the Room of Mr. Searle, deceased.

Dy'd Sir Robert Davers of Rushbrook-Hall in the County of Suffolk, Bart. and was succeeded in Honour and Estate by his Brother, Jeremy Davers, Esq;

June 3. In the Evening the King went from St. James's to Greenwich, where his Majesty embark'd on Board the Carolina Yacht, and between Eleven and Twelve, sail'd down the River, in order to pass over to Holland.

Mr. Searle, Son of the late Chief Accountant of the Post-Office, made Deputy-Accountant, in the Room of Mr. Horn.

James Waldegrave, Lord Waldegrave of Chetson, appointed one of the Lords of his Majesty's Bedchamber in the Room of Charles Lenox, Duke of Richmond, deceased.

June 5. Bryan Fairfax, Esq; and Wyndham, Esq; appointed Commissioners of the Customs.

June 6. Mr. Barker, an eminent Turkey Merchant of London, marry'd to Mrs. Gough, Daughter of Sir Richard Gough, Knight, Merchant of London.

Dr. Nathanael Lye, Archdeacon of Gloucester, made a Prebendary of that Cathedral, having resign'd his Prebend in the Church of Bristol.

June 7. The King landed in Holland.

Dr. Henry Brydges, Archdeacon of Rochester, Brother of James Brydges, Duke of Chandos, elected by the Fellows of Balliol College in Oxford, Visitor of that College, in the Room of Dr. John Robinson, Bishop of London, deceased.

June 10. The Lords Justices met at the Cockpit, open'd their Commissions, and appointed Charles Delafaye, Esq; to be their Secretary.

Sir Archer Croft, Bart. marry'd to Mrs. Waring, Daughter of Brigadier-General Waring.

Thomas Bennet, Esq; made one of the Masters of Chancery, in the Room of John Hiccocks, Esq; who resign'd.

June 11. Dy'd of the Small Pox, the Lord Thomas Manners, Brother of John Manners, Duke of Rutland, aged 16 Years.

June 14.

June 11. The King arriv'd at *Herenhausen*.

Mr. *Sutton*, appointed Prebendary of *Bristol*, in the Place of Dr. *Lye*, made Prebendary of *Gloucester*.

June 13. The Peers of *Scotland* met, in Pursuance of his Majesty's Proclamation, at *Holy-Rood House* in *Edinburgh*; and elected *John Leslie*, Earl of *Roths*, to sit and vote in the *British House* of Peers, in the Room of *James Stuart*, Earl of *Bute*, deceas'd.

*Allan Broderick*, Lord *Broderick*, Lord-Chancellor of *Ireland*, sworn at *Dublin*, one of the Lords Justices of that Kingdom.

June 14. Dy'd *Richard Newport*, Earl of *Bradford*, Viscount *Newport* of *Bradford*, and Baron *Newport* of *High-Ercal*, one of the Lords of his Majesty's most Honourable Privy Council, and Lord Lieutenant of the County of *Salop*. He was succeeded in Honour and Estate by his Son *Henry Lord Viscount Newport*.

Dy'd Sir *John Gascoigne*, Bart.

Dy'd Mr. *Beaulieu*, Prebendary of *St. Paul's*.

June 17. *William Hawksworth*, and *John Tyrrel*, executed at *Tyburn*. (See June 1.)

A Fire broke out at a Cotton Warehouse in *Billetter-Lane*; which consum'd 10 large Warehouses, with great Quantities of Goods, 3 Dwelling-Houses, and damaged some others. Several Persons were kill'd and wounded.

Dy'd Sir *John Williams* of *Pengethly* in the County of *Hereford*, Knt. and Bart. He was the eldest Son of Sir *Thomas Williams* of *Gwernevedt* in the County of *Brecknock*, created Baronet 26 Car 2. but dying without Issue, the Honour descended on *David Williams*, Esq; Son of Sir *Edward Williams*, Knight, who was Brother of the deceas'd.

June 18. A Fire broke out in *Brown's Gardens* in *St. Giles's*, and burnt four small Houses, and several Stables.

June 19. The depriv'd Bishop of *Rocheſter* taken out of the Tower, and put on Board the *Aldborough Man* of War, which landed him at *Calais*, on the 21st.

*Richard Brocas*, Esq; Alderman of the Ward of *Farringdon Within*, elected President of *St. Bartholomew's Hospital*, in the Room of Sir *William Stewart* deceas'd.

June 20. Sir *Gergard Conyers*, Lord Mayor of *London*, declar'd Sir *John Williams*, Knt. to have upon the Scrutiny

tiny the Majority of Votes for Alderman of the Ward of *Cripplegate*, in the Room of *Sir William Stewart*, deccas'd. (See May 2.) But Affidavits having been made on both Sides relating to the Scrutiny, the same were refer'd to the Court of Aldermen.

Dr. *Middleton*, brought to the *King's-Bench*, fin'd 50*l.* and order'd to give Security for good Behaviour for 12 Months, for reflecting on that Court in the Dedication of a Book, compos'd by him, entitled, *Bibliotheca Cantabrigiensis ordinandi Methodus quadam.*

Dr. *Baker*, Rector of *St. Michael's, Cornhill*, made Prebendary of *St. Paul's*, in the Room of Mr. *Beaudieu*, deccas'd.

June 21. Dr. *John Friend*, carry'd from the Tower to the Court of *King's Bench* at *Westminster*, and admitted to Bail.

*William Townshend*, Esq; elected Member of Parliament for the Borough of *Yarmouth* in the County of *Southampton*, in the Room of his Brother, *Charles Townshend*, Esq; call'd up to the House of Lords. (See May 22.)

June 22. *George Delaval*, of *Newby* in the County of *Northumberland*, Esq; Rear-Admiral, and Member of Parliament for *Portsmouth* in *Cornwall*, kill'd by a Fall from his Horse, near *Newcastle upon Tyne*.

June 24. Came on at *Guildhall*, the Election of Sheriffs of *London* and *Middlesex*; the Candidates were *Sir John Williams*, Knt. and *Richard Lockwood*, Esq; *Sir Richard Hopkins*, Knt. and *Felix Feast*, Esq; the two former were declar'd to have a Majority of Hands; but a Poll was demanded and granted.

June 25. *Sir John Woolridge* of *Dudmarston* in the County of *Salop*, Bart. drown'd in attempting to pass the River *Severn* on Horseback.

June 26. Dy'd *Sir Richard Reynell* of *Lalam* in the County of *Middlesex*, Bart.

A Patent pass'd the Seals, constituting *Percy Kirk*, Esq; Housekeeper to his Majesty at *Whitehall*.

June 28. *Robert Clifton* of *Clifton* in the County of *Nottingham*, Esq; marry'd to the Lady *Frances Coote*, Daughter of *Nansun Coote*, Earl of *Bellamont* in *Ireland*.

Mr. *John Woolridge*, appointed Collector of the Customs at *Plymouth*, in the Room of Mr. *Morrice*, deccas'd.

June



June 29. A Commission for managing the Customs of Great Britain, pass'd the Great Seal, appointing the following Persons, Commissioners, viz. Sir Walter Yonge, Bart. Sir John Stanley, Bart. Thomas Walker, Esq; Sir Charles Peers, Bart. Robert Baylis, Esq; Sir John Evelyn, Bart. Thomas Maynard, Esq; Sir James Campbell, Bart. Bryan Fairfax, Henry Hale, George Drummond, and John Hill, Esqrs.

Thomas Bryan, Esq; appointed Secretary to the Commissioners of the Customs acting in Scotland.

Mr. Peters, elected Lecturer of St. Clement-Danes.

June 30. Dy'd Sir William St. Quintin of Scampston in the County of York, Bart. Member of Parliament for Kingston upon Hull in that County, one of the Vice-Treasurers of Ireland, and one of his Majesty's most Honourable Privy Council in that Kingdom. The Honour descended to his Nephew, William St. Quintin, Esq; Member of Parliament for Thirsk in Yorkshire.

July 2. Sir Thomas Lowther of Hooker in the County of Lancaster, Bart. marry'd to the Lady Betty Cavendish, Daughter of William Cavendish, Duke of Devonshire.

The Parliament of Great Britain, further prorogu'd till August 13.

The Sheriffs of London declar'd in the usual Manner at Guildhall, that upon a Computation of the Poll, Sir John Williams, and Richard Lockwood, Esq; were duly elected Sheriffs to serve for the Year ensuing; but a Scrutiny was demanded and granted in Behalf of Sir Richard Hopkins, and Felix Feast, Esq; (See June 24.)

This being the last Day of the Term, the Court of King's Bench sentenc'd Doctor Galar'd, Printer, to pay a Fine of 50*l.* to suffer 6 Months Imprisonment, and to find Sureties for his Good Behaviour for 3 Years, for a Paragraph in a Weekly Paper, formerly printed by him.

Samuel Redmayne, Printer, for publishing a Libel, entitled, *The Advantages of the Hanover Succession*, was sentenc'd to pay a Fine of 300*l.* to suffer one Year's Imprisonment, and to find Sureties for his Good Behaviour for 3 Years.

Richard Phillips, Senior, Printer, for printing a Libel entitled, *The second Part of the Advantages of the Hanover Succession*, was sentenc'd to pay a Fine of 300*l.* to

suffer one Year's Imprisonment, and to find Sureties for his Good Behaviour for 3 Years.

*Richard Phillips*, Junior, Apprentice to his abovenam'd Father, was, for the same Offence, sentenc'd to pay a Fine of 100 l. and to find Sureties for his Good Behaviour for 3 Years.

July 3. *John Holt*, Esq; of *Redgrave* in the County of *Suffolk*, marry'd to the Lady *Jane Wharton*, Sister of *Philip Wharton*, Duke of *Wharton*.

Dy'd Mr. *Rogerson*, Master of the Free-School at *St. Olave, Southwark*.

July 4. About 70 Felons were taken out of *Newgate*, &c. and put on Board for Transportation.

At a Court of Admiralty held at the *Old Baily*, Capt. *Hampton Mason* was try'd on three several Indictments, and acquitted; *Joseph Norrins* alias *Still*, was try'd for Murder, and acquitted. *Philip Roche* was convicted of Piracy, and receiv'd Sentence of Death; as did also, Capt. *John Massey*, who was found guilty of running away with a Ship belonging to the *African Company*, and of two Robberies on the High Seas, in taking Goods out of two Ships.

Dy'd *Samuel Benson* of *Shoreditch* in the County of *Middlesex*, Esq;

July 5. Sir *William Thompson*, Recorder of *London*, by Order of the Lord Mayor and Court of Aldermen, declar'd from the Huttings, that the Poll for Sheriffs appear'd to them, by Examination on Oath, to be for Sir *Richard Hopkins*, and *Felix Feast*, Esq; and therefore declar'd them duly elected. (See July 2.)

July 6. The Lady of *James Lord Compton*, eldest Son of *George Compton*, Earl of *Northampton*, brought to Bed of a Son.

A Proclamation publish'd in *Ireland*, for further proroguing the Parliament of that Kingdom, from the 6th of *August*, to the 29th of that Month.

July 7. *Joseph Richardson* Esq; one of the Counsel of the City of *London*, marry'd to Mrs. *Minshul*.

July 8. Dy'd *Jacob Borr*, Esq; Brigadier-General and Colonel of a Regiment of Foot in *Ireland*.

July 9. Dr. *Edward Butler*, President of *Magdalene College* in *Oxford*, marry'd to Mrs. *Mary Tate*.

The following Persons being insur'd in the *Sun Fire-Office*, and having been Sufferers by late Fires, receiv'd their full Satisfaction for the Losses they sustain'd there-  
by;

by, viz. Thomas Cartwright, Henry Hall, Goodwin Cheney, Thomas Bolter, Thomas Barham, Joseph Dancer and Robert Hill, all of Bishopgate-Street. Anna Taylor of Cammomill-Street. Joseph Shove, John Temple, William Pepper, Mary Tisser, John James, Thomasin Price and William Blackwin, of Maiden-Lane, Convent-Garden. Peter Roakham, Edmund Pearce and Thomas Jones, of Bull-Inn-Court in the Strand. Elizabeth Middleton, of Baylies-Alley in the Strand. Francis Porten, William Stirling, Edward Colman, James Badger, Thomas Elston, John Hapst, James Asque, Rose Pillar and William Motre, all of Buleter-Lane. Joseph Stratfor and William Fly, of Cock-Hill, Ratcliffe. Michael Cole of Narrow-Street, Ratcliffe. Joseph Hill and Thomas Chamberlain, of Leaden-Hall-Street. William Horton of Queen-Street, Cheapside. Thomas Staggall of Witch-Street. Robert Hunter of Execution-Dock, Wapping. Andrew Leaper of Water-Lane, Fleet-Street. William Matthews of Kent-Street, Southwark. William Burton of Charing-Cross. Charles Corner of St. Martin's-Street, Leicester-Fields. Robert Goodwin of Swan-Alley in Goswell-Street. Anne Groves of Bride-Lane. William Holloway of Stroud in Gloucestershire. Thomas Scudamore of Canterbury in Kent. Richard Rootsy of Braintree in Essex. John Newcomb of Crediton in Devonshire. Richard Chiswell, Esq; of Debdew-Hall in Essex. John Sandford, Esq; of Bishop-Stratford in Hertfordshire. Joseph Shipton of Andover in Hampshire. Christopher Townsend of Martham in Norfolk. Humphrey Holland of Lowth in Lincolnshire, and Frezzell Hampfield of Exeter.

July 10. A Fire broke out in a Livery Stable in Black Fryers, and burnt its Way to an adjoining Brewhouse, but was extinguish'd without doing much Damage.

July 11. The Sessions ended at the Old Baily, where two Malefactors receiv'd Sentence of Death, viz. James Butler, and William Duce, for two several Robberies on the Highway. Eight were burnt in the Hand, of which Number, was Elizabeth Cotes, an Alms-Woman, for Manslaughter, in killing Dorothy Finner with her Crutch; and Elizabeth Hornby, for Felony, in marrying a second Husband, the first being living: And 37 Felons Convict were order'd for Transportation.

An Indictment was prefer'd against James Edmondson, Esq; one of the late South-Sea Directors, for Felony, in concealing Part of his Estate from the Trustees, contrary to a late Act of Parliament. But the Grand-Jury brought in their Verdict, Ignoramus.

July 12.

July 12. Dy'd Henry Fern of Hammersmith in the County of Middlesex, Esq; aged 63 Years.

Dy'd Mrs. Elizabeth Mountagu, Widow of Edward Mountagu of Horton in the County of Northampton, Esq; and Mother of George Mountagu, Earl of Halifax.

July 15. Dy'd Levison Gower, Esq; eldest Son of John-Levison Gower, Lord Gower of Stittenham.

June 16. Sir Richard Hopkins and Felix Feast, Esq; gave Bonds at a Court of Aldermen, held at Guildhall, to hold the Office of Sheriffs of London and Middlesex, for the Year ensuing.

July 17. Dy'd Capt. Chantrell, Gentleman-Usher to the Princess of Wales.

July 20. Dy'd Anthony de Grey, Lord Lucas of Crudwell, (Earl of Harold) only Son of Henry de Grey, Duke of Kent; he was one of the Lords of the Bedchamber, and marry'd to the Lady Mary Tuston, Daughter of Thomas Tuston, Earl of Thanet, but left no Issue.

July 22. Dr. Lynford appointed Sub-Dean of Westminster, in the Room of Mr. Evans, who resign'd.

A Patent pass'd the Seals, appointing Mr. Nun, Porter of Windsor Castle.

July 23. The Countess of Pomfret, Wife of Thomas Farmer, Earl of Pomfret, brought to Bed of a Son.

The Lord Mayor declar'd Sir John Williams duly elected Alderman of Cripplegate Ward, and he was sworn in accordingly. (See June 16.)

John Middleton stood in the Pillory at Charing-Croft, according to Sentence of the Court of King's Bench, for wilful Perjury, in swearing treasonable Practices against innocent Persons; and was taken down dead. The Coroner's Inquest having sat on his Body, brought in their Verdict, that he was accidentally strangled.

Dr. West of London, M. D. marry'd to the Widow of Richard Grantham of Goltloe-Hall in the County of Lincoln, Esq;

July 25. Francis Willoughby, Esq; eldest Son of Thomas Willoughby, Lord Middleton, marry'd to Mrs. Edwards, Daughter of Thomas Edwards of the Middle Temple, Esq;

July 26. Captain John Massie hang'd at Execution-Dock. (See July 4.)

Dy'd

Dy'd Robert Bertie, Duke of Ancaster and Kesteven, Marquess and Earl of Lindsey, Baron Willoughby of Eresby, Hereditary Lord Great Chamberlain of England, Lord Lieutenant and Custos Rotulorum of the County of Lincoln, and one of his Majesty's most Honourable Privy Council. He was succeeded in Honour and Estate by his eldest Son, Peregrine Lord Willoughby of Eresby, (Marquess of Lindsey.)

July 27. Dy'd Dr. Fairfax, Dean of Downe and Connor, in the Kingdom of Ireland.

Colonel Dubourgay made Colonel of the Regiment of Foot, late Brigadier-General Borr's, deceas'd.

July 28. Dy'd Dr. Laughton, Prebendary of Worcester, and Fellow of Clare-Hall in Cambridge.

Thomas Hatton of Sevenoaks in the County of Kent, Esq; marry'd to Mrs. Hamilton of Chelsea.

July 30. Dy'd William Dubois, Cardinal Priest, Archbishop - Duke of Cambray, Prince of the Empire, Count of the Cambrasis, Principal and Prime Minister of State in France, &c. Aged 66 Years, 11 Months, and 4 Days, being born the 25th of August, 1656.

July 31. Dy'd the Lady Lisburne, Wife of John Vaughan, Viscount and Baron Lisburn in the Kingdom of Ireland. She was Daughter of Sir John Bennet, Kt. Serjeant at Law, and Judge of the Marshalsea-Court.

Dy'd at Paris of the Small Pox, the Lord Charles Fitz-Roy, second Son of Charles Fitz-Roy, Duke of Cleveland and Southampton.

Sir Patrick Strahan, Barrack-Master General, marry'd to Mrs. Allgood.

John Andrews, Esq; of Lincoln's-Inn Fields, marry'd to Mrs. Beard of Hatton-Garden.

Edward Newton, Esq; made Deputy-Commissary of the Musters, in the Room of George Wrighton Esq;

August 2. Dy'd Mr. Brown, the City Carver, in a very advanc'd Age.

August 3. Dy'd Charles-Bedville Roberts, Earl of Radnor, Viscount Bodmyn, Baron Roberts of Truro and Bart. Lord Lieutenant of the County of Cornwall, and one of the Lords of his Majesty's most Honourable Privy Council. He marry'd Elizabeth, Sole Daughter and Heir of Sir John Cutler of London, Bart. but leaving no Issue, his Honour and Estate descended to his Nephew John Roberts, Esq;

August 4. Dy'd Dr. William Fleetwood, Bishop of Ely, in the 67th Year of his Age. He was made Bishop of St.

*St. Asaph* in 1748, and translated from thence to *Ely*, in 1715.

August 5. *James Butler*, and *William Duce*, executed at *Tyburn*. (See July 11.)

A Fire broke out at *Mr. Carter's*, a Tallow-Chandler in *Maiden-lane*, *Covent-Garden*, which burnt down his Workhouse, and damaged some other Houses.

August 6. The Lords Justices in Council order'd, that the Parliament which stood prorogu'd to the 13th of this Month, should be farther prorogu'd to the 24th of September following.

August 12. A Fire broke out at the House of *Mr. Skelton* an Upholsterer in the *Hay-Market*, and consum'd only that House.

August 13. The Wife of *George Carpenter* of *Longwood*, in the County of *Southampton*, Esq; Son of *George Carpenter*, Baron *Carpenter* of *Killingby*, in the Kingdom of *Ireland*, brought to Bed of a Son.

August 14. *Philip Roche*, executed for Piracy and Murder at Execution-Dock in *Wapping*. [See July 4.]

Mr. *Jenkins*, Master of the Ewry to their Royal Highnesses the Prince and Princess of *Wales*, fell from his Horse at *Twickenham*, and receiv'd such Harm, that he dy'd soon after.

August 15. Dy'd *Dr. Charles Trimnel*, Bishop of *Winchester*.

Dy'd *Villiers*, commonly call'd Earl of *Buckingham*, but his Legitimacy being question'd, his Pretensions to the Peerage were not allow'd. He left Issue only two Daughters.

August 16. Dy'd *Sir Edward Northey*, Kt. formerly Attorney-General.

Mr. *Barnes*, made Master of the Ewry to their Royal Highnesses, in the Room of *Mr. Jenkins*, deceas'd.

August 17. Dy'd the Lady *Fryer*, Wife of *Sir John Fryer*, Kt. Alderman of *London*.

Dy'd *Mr. Joseph Bingham*, some Time Fellow of *University-College* in *Oxford*, Author of the Book entitl'd, *Origines Ecclesiasticae*, into 10 Octavo Volumes.

August 19. Dy'd at *Brussels*, of the Small Pox, aged about 30 Years, and much regretted for her exemplary Piety, her Charity to the Poor, and many other excellent Qualities, *Mary-Anne*, Relict of *James Ratcliffe*, late Earl of *Derwentwater*, who was beheaded on *Tower-Hill* for High Treason, Feb. 24, 1716. She was Daughter of *Sir John Webb*, Bart. and left Issue two Sons.

August 20.

August 20. Mr. *Fotherby* elected Governor of the *York-Buildings Company*, in the Room of *Thomas Fane, Earl of Westmorland*.

Dy'd at *Naples*, *John Greenwood, Esq*; his Majesty's Consul at *Leghorn*.

Aug. 23. The Lady *Catharine Wyndham*, Wife of Sir *William Wyndham* of *Orchard-Wyndham* in the County of *Somerset*, Bart. and Daughter of *Charles Seymour, Duke of Somerset*, brought to Bed of a Son.

Dy'd Major *Dilkes*, Governor of *Montserrat*, in the *Caribbee Islands*.

Dy'd at *Boston* in *New England*, Dr. *Increase Mather*, in the 85th Year of his Age. He had been sixty-two Years Minister of the old North Church in *Boston*.

Aug. 24. Dy'd *Henry Hawkins, Esq*; one of the Land-Surveyors of the Customs in the Port of *London*.

Dy'd Mrs. *Cook*, Widow of *James Cook*, Citizen of *London*. She was Daughter of Sir *William Constantine* of *Dorsetshire*, and Mother of the Lady Viscountess *Grimston*.

Aug. 26. *Samuel Champantie, Esq*; made Land-Surveyor in the Port of *London*, in the Room of *Henry Hawkins, Esq*; deceas'd.

Aug. 27. Dy'd Col. *John Granville* of Brigadier-General *Groves's* Regiment.

*Edward Cresset* of *Cund* in the County of *Salop, Esq*; marry'd to Mrs. *James*.

Dy'd *Payne, Esq*; Treasurer of the *Charter-House*.

Dy'd *David Crawford, Esq*; Deputy-Commissary General of the *Musters*.

Dy'd Dr. *Waller* of *Newport-Pagnel*, an eminent Physician, and Man-Midwife, in the 96th Year of his Age.

The Lady *Conway*, Wife of *Francis-Seymour Conway*, Lord *Conway* of *Ragley*, brought to Bed in *Ireland* of a Son.

Aug. 30. The Sessions ended at the *Old Bail*, where 5 Malefactors receiv'd Sentence of Death, viz. *Samuel Gibbons*, *Richard Wynne*, and *Richard Wallace*, for House-Robberies; *Humphrey Angier*, for robbing on the Highway, and *John Middleton* for Burglary: Six Felons were burnt in the Hand, and 35 order'd for Transportation.

Mr. *Dixon* made Land-Waiter in the Port of *London*, in the Room of *Samuel Champantie*, Esq; made Land-Surveyor.

Sept. 1. Dy'd the Countess, Wife of *Archibald Campbell*, Earl of *Islay*.

Dy'd Sir *Henry Lyddell* of *Ravensthorpe-Castle* in the County of *Durham*, Bart. and was succeeded in Honour and Estate by his Grandson, *Henry Lyddell*, Esq;

Dy'd Capt. *David Ogilby*.

*Christopher Whittel*, Esq; appointed Deputy Commissary-General of his Majesty's Forces, in the Room of *David Crawford*, Esq; decess'd.

The Lady *Cornwallis*, Wife of *Charles Lord Cornwallis* brought to Bed of a Daughter.

Dy'd Sir *Francis Tipping* of *Thame* in the County of *Oxford*, Bart. and was succeeded in Honour and Estate by his Son of the same Name.

*Dorothy Countess Palatine of Veldens*, Daughter of *Leopold-Lewis*, Count Palatine of *Veldens Lauterack*, who retir'd to *Frankfort*, after the Adnullation of her Marriage with *Gustavus-Samuel Duke of Deuxponts*, dy'd three, in the 66th Year of her Age.

Sept. 2. Dr. *Richard Willis*, Bishop of *Salisbury*, translated to the See of *Winchester*, vacant by the Death of Dr. *Charles Trimnel*.

Dr. *Benjamin Hoadley*, Bishop of *Hereford*, translated to the See of *Salisbury*, vacant by the Promotion of Dr. *Richard Willis* to that of *Winchester*.

Dr. *Thomas Green*, Bishop *Norwich*, translated to the See of *Ely*, vacant by the Death of Dr. *William Fleetwood*.

Dr. *John Leng* made Bishop of *Norwich*, in the Room of Dr. *Thomas Green*, translated to the See of *Ely*.

Dr. *Egerton* made Bishop of *Hereford*, vacant by the Translation of Dr. *Benjamin Hoadley* to the See of *Salisbury*.

Dr. *John Holland*, Warden of *Merton-College* in *Oxford*, appointed a Prebendary of the Cathedral of *Worcester*, in the Room of Dr. *John Laughton*, decess'd.

Sept. 3. Dy'd Mrs. *Whitfield*, Mother of the Countess of *Islay*, (who dy'd on the First of this Month) and Widow of *Whitfield*, Esq; Paymaster-General of the Marines.

Mr. *Richard Cromwell*, an Attorney of *Clements-Inn*, and Grandson of the vile Usurper *Oliver Cromwell*, marry'd by Dr. *Edmund Gibson*, Bishop of *London*, at the Chapel



Chapel in the Banqueting-House, Whitehall, to Mrs. Thornhill, Daughter of Sir Robert Thornhill, Bart.

Sept. 5. The Parliament of Ireland met at Dublin.

Dy'd the Countess of Carnwarth, Wife of Robert Dalziel, Earl of Carnwath. She was Daughter of Alexander Urquhart of New-Hall, Esq;

Sept. 6. Dy'd Fetherstone, Esq; Brother of Sir Henry Fetherstone, Bart.

Dy'd Elizabeth, Daughter of Baron Kaytenburgh, and Wife of George Cholmondeley, Baron of Newburgh.

Sept. 7. William Stanley, Esq; one of the Customers in the Port of London, appointed Commissioner of Appraisements in the said Port, in the Room of Henry Hawkins, Esq; deceas'd.

Dy'd the Lady Moet, Widow of Sir William Moet.

Dy'd Colonel Charles Villiers, Uncle of John Villiers, Earl of Grandison.

Dy'd Sir John St. Barbe, of Broadlands in the County of Southampton, Bart. and leaving no Issue, the Honour became extinct.

Dy'd Martin Rider of the Middle Temple, Esq; one of the Benchers of that Society.

Sept. 8. Mr. Atwood of Grays-Inn, broke his Skull, by a Fall from his Horse, and dy'd immediately.

Sept. 9. The Prince of Turenne, eldest Son of the Duke de Bouillon, marry'd at Strasbourg, to the Princess Maria-Charlotte Sobieski, Daughter of Prince James-Lewis Sobieski, by the Princess Hedwiga-Elizabeth, Daughter of Philip-William of Newbourg, Elector Palatine.

Humphry Angier and Joseph Middleton, executed at Tyburn; the other three Malefactors who were condemn'd at the same Sessions, were repriev'd. (See Aug. 30.)

Capt. Paul George appointed Governor of Montserrat in the Caribbee-Islands, in the Room of Major Dilkes, deceas'd.

Sept. 10. The Lady Betty Heathcote, Wife of William Heathcote of Horsley in the County of Southampton, Esq; and Daughter of Thomas Parker, Earl of Macclesfield, Lord High Chancellor of Great Britain, was brought to Bed of a Son.

Mr. Robert Cruttenden, sworn into the Office of Common Hunt of the City of London, in the Room of John Deal, Esq; who surrender'd to him.

Sept. 12. Mr. Seabright, Mr. Davies; Mr. Monpeffon, with two Servants, robb'd and murder'd

der'd about 7 Miles from *Calais*, in their Way to *Paris*, by six *Ruffians*; who also murder'd Mr. *John Locke*, another *English Gentleman*, who was coming from *Paris*, and a *Frenchman*, who happen'd to be passing by at the same Time.

Dy'd Sir *John Mordaunt*, Knight, in a very advanc'd Age.

The Queen of *Portugal* deliver'd of a Prince, at *Lisbon*.

Sept. 14. Dy'd Capt. *Cadmore*, an eminent Distiller, Deputy-Alderman of *Cripplegate-Ward*.

*George Chalmodeley*, Esq; Son of the Baron of *Newburgh*, marry'd to Mrs. *Walpole*, Daughter of *Robert Walpole*, Esq;

*Brinley Skinner*, Esq; appointed Consul at *Leghorn*, in the Room of *John Greenwood*, Esq; deceas'd.

Dy'd *Richard Baycot*, Esq; Filazer of the Counties of *Essex* and *Hertford*.

Sept. 16. Dy'd *Richard Douglas*, Esq; one of the Gentlemen-Waiters to the Prince of *Wales*.

Dy'd at *Dublin*, in the 84th Year of his Age, *Gustavus Hamilton*, Baron of *Stackellan* and Viscount *Byrne* in the Kingdom of *Ireland*; and was succeeded in Honour and Estate by his eldest Son, *Gustavus Hamilton*, Esq;

Sept. 17. The *York-Buildings Company* unanimously elected Sir *John Meers* for their Governor, upon the Resignation of Mr. *Foskerby*. (See Aug. 20.)

Mr. *Whitt*, Coroner of the Verge of his Majesty's Household, appointed by the Dean and Chapter of *Westminster*, to be Coroner of that City, and the Liberties thereof, in the Room of Mr. *Turton*, deceas'd.

Sept. 19. Dy'd *Robert Sutton*, Lord *Lenington* of *Aram*, in the County of *Nottingham*. In the Reign of King *William*, he was Envoy Extraordinary to the Court of *Vienna*; and in that of Queen *Anne*, Ambassador Extraordinary to the Court of *Spain*. He marry'd *Margaret* Daughter and Heir of Sir *Giles Hungerford* of *Colston* in the County of *Wilts*, Knt. and by her left Issue only one Daughter, *Bridget*, marry'd to *John Manners*, Duke of *Rutland*.

Sept. 20. Dy'd at *Strasbourg*, the Prince of *Turenne*. (See Sept. 9.)

Sept.

Sept. 21. Dy'd *William Fielding of Aſhted in the County of Surrey, Eſq;* Brother of *Baſil Fielding, Earl of Denbeigh,* and Uncle of *William,* the preſent Earl. He was one of the Clerks Controulers of his Maſteſty's Houſhold, and Member of Parliament for the Borough of *Caſtleriſing* in the County of *Norfolk.*

Mr. *Longbridge,* appointed Cuſtomer in the *Iſle of Man.*

Mr. *Burnaby* appointed one of the Clerks of the Treafury.

*Samuel Edwards, Eſq;* Member of Parliament for *Great-Wenlock* in *Shropſhire,* one of the Deputy-Tellers of the Exchequer, marry'd to Mrs. *Elizabeth Jones,* Daughter of a Clergyman in that County.

Sept. 23. Dy'd Mr. *Simon Beckley,* Clerk of the Stationer's Company, and Deputy-Alderman of the Ward of *Faringdon-Within.*

Dy'd Mr. *William Babel,* one of the Muſicians belonging to the Royal Chapel, and Organist of *All-Hallows, Bread-ſtreet.*

Sept. 24. The Parliament met at *Weſtmiſter,* and were farther prorogu'd to the 24th of *October.*

Mr. *Thomas Pulein* appointed Controuler of the Cuſtoms in the Port of *Berwick upon Tweed,* in the Room of Mr. *William Frankland,* deceas'd.

Sept. 26. Dr. *Edmund Giſſon,* Lord Biſhop of *London,* conſecrated the Chapel in *Queen's-Square,* near *Ormond-ſtreet,* within the Pariſh of *St. Andrew's Holbourn,* and, purſuant to Acts of Parliament in that Behalf, converted it into a Parochial Church, by the Name of *St. George the Martyr* in the County of *Middleſex,*

Sept. 27. Dy'd Mr. *Ruſſel,* Miniſter *St. John's* at *Wapping.*

Sept. 28. Sir *Richard Hopkins,* and *Felix Feaſt, Eſq;* Sworn Sheriffs of *London* and *Middleſex,* for the Year enſuing.

The ſame Day the Court of Aldermen declar'd Sir *Peter Delme, Knt.* and Alderman, Lord Mayor of *London,* for the Year enſuing.

Sept. 29. Dy'd in the 86th Year of her Age, the Lady *Rachel Ruſſel,* Daughter and Coheir of *Thomas Wrighteſly, Earl of Southampton.* She was twice marry'd; firſt to *Francis Lord Vaughan,* Son of *Richard Vaughan, Earl of Carberry;* and after his Death, to *William Lord Ruſſel,* Son of *William Earl (afterwards Duke) of Bedford,* who was beheaded for High Treason, July 21,

1683; and by him had Issue *Wriathesly*, who succeeded his Grandfather as Duke of Bedford, &c.

Dy'd *Johnshall Crosse* of Bledloe in the County of Bucks, Esq;

Sept. 30. Dy'd *Robert Ferne* of Bow-street, Covent-Garden, Esq;

Mr. *Route* made Provost-Marshal General of South-Carolina.

October 1. Mr. *Cole*, Attorney at Law, elected Clerk to the Company of Stationers, in the Room of Mr. *Simon Beckley*, deceas'd.

*Clement Wear*, Esq; Barrister at Law; marry'd to the only Daughter of Sir *James Mountague*, Lord Chief Baron of the Exchequer.

Dy'd *Edmund Nayler*, Esq; Secretary to the Commissioners of Excise.

Oct. 2. Dy'd *John Smith* of North-Tydworth in the County of Southampton, Esq; one of the Tellers of the Exchequer, and Member of Parliament for the Borough of Eastlow in Cornwall.

Dy'd the Lady *Jennings*, Wife of Sir *John Jennings*, Admiral of the White, one of the Commissioners of the Admiralty, and Governor of Greenwich Hospital.

The Dutchess, Wife of *John Campbell*, Duke of Greenwich and Argyle, brought to Bed of a Daughter.

Oct. 3. Dy'd Dr. *Gilthorpe*, an eminent Physician, at *Welling* in Hertfordshire.

Dy'd Dr. *Adam Otley*, Bishop of St. David's.

Oct. 4. Mr. *William Boycot* admitted Filazer of the Counties of Essex and Hertford, in the Room of his Uncle, *Richard Boycot*, Esq; deceas'd.

Oct. 6. Dy'd *Thomas Wentworth* of Great Harrowden in the County of Northampton, Esq; Member of Parliament for *Higham-Ferrers* in that County.

*John Forale*, Jun. Esq; Contröller of the Cash of the Excise, appointed Secretary to the Commissioners of that Revenue, in the Room of *Edmund Nayler*, Esq; deceas'd.

Oct. 9. Dy'd in the 68th Year of his Age, Sir *Constantine Phipps*, of the Middle Temple, Knt. Lord Chancellor of Ireland in the Reign of Queen Anne.

Dy'd *Deering*, Esq; Auditor of the Exchequer in Ireland. And

The Lord *Nassau Pawlet*, Brother of *Charles Pawlet*, Duke of *Bolton*, succeeded him in that Office, of which he had a reversionary Grant.

Off. 10. Dy'd *William Cowper*, Earl *Cowper*, Viscount *Fordwyche*, Baron *Cowper*, of *Wingham*, and Baronet, at his Seat at *Colne-Green*, near *Hertford*, in the County of that Name. He was the most accomplish'd Lawyer, Civilian, and Statesman, that *England* bore for many Ages past; being consummate in the Knowledge not only of the Common and Statute Law, and of the Constitutions of his Country, but also of the Law of Nations, Imperial Institutes, and Canon Law; and he had receiv'd from Nature, and cultivated by polite Literature, excellent Endowments that gave a Lustre to his great Learning: A bright, quick, penetrating Genius; an exact and sound Judgment; a fruitful, yet unluxuriant and agreeable Imagination; a manly and flowing Eloquence; a clear sonorous Voice; a gracious Aspect; an easy Address; in a Word, all that's necessary to form a compleat Orator. After having pleaded at the Bar, with Distinction, he was chosen a Representative of the Town of *Hertford*, in the Parliament which King *William III.* call'd, towards the End of the Year 1695; and, which is very remarkable, the very first Day he sat in the House of Commons, he had Occasion to speak three Times, and came off with universal Applause. He exerted, some Months after, his bright Talents, as well as his Zeal for the Government, in the Prosecution of the *Assassination-Plot*, and as his Arguments had the greatest Weight in attainting Sir *John Fennick*, one of the principal Conspirators, he was, not long after, made one of the King's Counsel learn'd in the Law, and was continu'd in that Place upon the late Queen's Advancement to the Throne. His Reputation having by this Time, vastly increas'd, he was constituted Lord Keeper of the Great Seal of *England* in 1705. His Prudence and Dexterity shone not long after in the Management of the famous Treaty of Union between *England* and *Scotland*, the whole Weight of which arduous Affair, he sustain'd almost alone, on the Part of the *English* Commissioners. That great Work being brought to Perfection, according to the earnest Wishes of those at Helm, the Lord Keeper was, in 1706, created Baron of *Wingham*, and the next Year, upon the Commencement of the Union, constituted Lord Chancellor of *Great Britain*. In this high Station, his Integrity, Moderation, Candour,

Humanity, and Disinterestedness, gain'd him the Esteem of all good Men, and the particular Regard and Favour of his Royal Mistress, who found in him the greatest Comfort she had among all her Servants, upon the Loss of her dear Consort. The Queen had so high an Opinion of his Virtue and Merit, that when, by a Train of Court-Intrigues, and an insuperable Aversion to the Earl of *Sunderland*, she had fix'd a Resolution to change her Ministers, and call a new Parliament, she us'd all Endeavours to bring the Lord *Cowper* into her Measures; but his Lordship rightly foreseeing, that the new Scheme not only tended to the making a Peace derogatory from the Engagements of the Grand Alliance, but likewise to the weakening of the Settlement of the Protestant Succession, which he ever had firmly at Heart, resist'd all Temptations, voluntarily resign'd the Seals; and in the most difficult and dangerous Junctures, acted with the utmost Vigour, in Concert with the staunchest Sticklers for the most Serene House of *Hanover*. His Zeal was not left unrecompenc'd; Upon the Queen's Demise, he was nam'd one of the Lords of the Regency, and immediately after King *George's* Arrival, he was restor'd to his Dignity of Lord High Chancellor. He continu'd to deserve the Royal Favour, as well by many subsequent important Services, as by his indefatigable Application to the Discharge of his Office, in the Course of Impeachments of various Kinds, and thereupon was created an Earl in *March*, 1717-18. The great Fatigues he had undergone having very much impair'd his Health, he had, some Time before, entertain'd Thoughts of a Retreat, and had now an Occasion for it; his inviolable Attachment to all the Royal Family, not permitting him to act with those who had lately made an unhappy Division among the King's best Friends: And to justify his Conduct at that Juncture, we need only observe, that they who at the Time of his Death, had the largest Share of Favour and Power, were then also remov'd from their Employments. The Lord *Cowper's* voluntary Resignation was a great Grief to the Well-affected, and to all dispassionate Men of both Parties, who knew that by his Wisdom and Moderation, he had gain'd Abundance of Friends to the King; kept steady many wavering Minds, brought the Clergy into a better Temper, and hinder'd some hot over-zealous Spirits from running Things to dangerous Extremes. His Lordship being  
be-

become a private Man, and wholly disengag'd from all Obligations to any mean Compliances, he thought he had no other Part to act, but that of a loyal Subject, and a Patriot, and as such, on all proper and important Occasions, to speak his Thoughts freely, according to the Dictates of his Reason and Conscience. Upon these virtuous Principles, in the two Sessions of Parliament of the Year 1719, his Lordship oppos'd the Peerage Bill, brought in, and push'd by the Earl of *Sunderland*, with all the Weight of the Court Interest, which over-power'd all Arguments in the Upper House; but his Lordship had the Satisfaction to see himself back'd there by the Lord *Townshend*, and the Bill afterwards thrown out of the House of Commons, chiefly by the prevailing Reasoning and Eloquence of Mr. *Robert Walpole*. With the like honest Intentions, but with far greater Vigour, the Lord *Cowper* endeavour'd to ward off the dismal Consequences he foresaw from the *South-Sea Scheme*, which, in a memorable Speech in the Lords House, he justly compar'd to the *Trojan Horse*, 'contriv'd for Treachery, usher'd in by Fraud, receiv'd with Pomp, but big with Ruin and Destruction.' His Lordship added, 'That this Scheme was, indeed, varnish'd over with a Pretence of the Publick Good; but that nothing could be so that was founded on Injustice, as he took this Project to be; for in his Opinion, none, in the End, would be Gainers by it, but a few Persons, who were in the Secret, and had early bought Stocks at low Rates.' But a malevolent Star hurry'd on the Fate of *England*; or rather, insatiable Avarice, and a general Corruption, had clouded the Understandings, and debauch'd the Morals of most Men to such a Degree, that they were blind and deaf to the Light and Voice of Reason and Equity; and as 'tis natural for the Wicked and Foolish to hate the Virtuous and Wise, who thwart their Designs, so the Lord *Cowper* got nothing by his wholesome and prophetick Counsel, but the Ill-Will of some great Men, (now with their Fathers) who, by the Trusts repos'd in them, ought to have watch'd for the Publick Good; and preserv'd the Well-meaning from the crafty Snares of the Rapacious. Their Resentment against him still increas'd, when the Calamity he had foretold, came to be felt: The Wound being large and deep, the Lord *Cowper* was against Palliatives, lest by skinning it over only, it should afterwards rankle and fester into dangerous Imposthuma-

tions; and so his Lordship thought, they ought to go to the Bottom of the Sore; and in Justice to a bleeding, injur'd Nation, not only to punish the Puny, but likewise the Prime Directors. *Hinc Illa Lachryma*: This drew upon that noble Patriot the inveterate Hatred of the powerful Plunderers, and their Abbetors, which pursu'd him to his Grave. This was the Source of those invidious and uncharitable Constructions that were put upon any thing the Lord Cowper offer'd, according to his best Judgment, and in the Sincerity of his Heart, for the Publick Good. Some busy Sycophants were yet more audaciously insolent; and fondly thinking to curry Favour by bringing the Lord Cowper's Loyalty into Question, foisted his Name into a List of a Chimerical Club of disaffected Persons. But the Cadumny was too gross to take, and instead of being countenanc'd, was generously exploded by those very Persons from whom the Contrivers of it endeavour'd to merit: Those Persons, at the same Time they were, no Doubt, uneasy at the Lord Cowper's not coming directly into all their Measures, being thoroughly convinc'd of his unblemish'd Affection to the present happy Settlement, and, notwithstanding their different Notions in some Things, still retaining a sincere Esteem and Veneration for his Abilities and Virtues. Upon the whole Matter, whoever impartially considers the constant Tenor of the Lord Cowper's Life and Actions, will find in him the Character of a great and good Man, a learned Lawyer, an upright Chancellor, a sound Statesman, a loyal Subject, and a true *Englishman*.

He was descended from *John Cowper of Strade* in the County of *Sussex*, who liv'd in the Time of *Edward IV. William*, one of his Ancestors, was first a Baronet of *Scotland*, and afterwards created a Baronet of *England*, by King *Charles I.* He was the first of the Family that was possess'd of *Hertford Castle*, where he ended his Days in Peace, after he had been imprison'd in *Elly House in Holbourn*, for his Loyalty to King *Charles I.* together with his Son *John*, who dy'd in that Imprisonment, but left a Son, viz. *Sir William Cowper*, who marry'd *Sarah*, Daughter to *Sir Samuel Hedges* of *London*, Merchant, and was Father to the late *William Earl Cowper*. His Lordship marry'd two Wives, viz. 1. *Judith*, only Daughter and Heir to *Robert Booth* of *London*, Merchant, by whom he had Issue only one Son, who dy'd in his Infancy. 2. *Mary*, eldest Daughter to *John Clavering*



Slavering of Chopwell in the Bishoprick of Durham, Esq; by whom he left Issue two Sons and two Daughters, viz. William Lord Viscount Fordwyche (afterwards Earl Cowper) born in 1709, and Spencer, the Lady Sarah, and the Lady Anne.

Nicholas Faxakerly, of the Inner Temple, Esq; marry'd to Mrs. Lutwyche, Daughter of Thomas Lutwyche of Lutwyche in the County of Salop, Esq;

Dy'd Brinley Treby of the Middle Temple, Esq; Barrister at Law.

Oct. 12. The Lady Parker, Wife of Thomas Lord Parker, Son of the Earl of Macclesfield, Lord Chancellor of Great Britain, brought to Bed of a Son.

Dy'd the Lady Ogle.

The Queen of Denmark brought to Bed of a Princess who was baptiz'd by the Name of Christina-Charlotte.

Oct. 13. Dy'd at Petersbourg, in the 60th Year of her Age, the Czarina-Dowager Relict of Theodore-Alexowitz, elder Brother of Peter Alexowitz, the present Czar.

Oct. 14. The Lady Anne Bridgman, Sister of Richard Newport, Earl of Bradford, and Wife of  
brought to Bed of a Son.

Oct. 15. Sir Isaac Rebow of Colchester, Knt. elected Recorder of that Borough, in the Room of William, Earl Cowper, deceas'd.

Oct. 16. Dy'd Jennings, Esq; formerly a Commissioner of the Navy.

The Lady Taylor of in the County of Kent, being 70 Years of Age, marry'd to her fourth Husband, Dr. Milner of Maidstone, a Physician, about 35 Years of Age.

Oct. 17. Dy'd Moody of Chelsea, Esq;  
Francis-Seymour Conway, Lord Conway of Ragley, appointed one of his Majesty's Privy Council in Ireland.

Oct. 18. The Sessions ended at the Old Bally, where 4 Malefactors receiv'd Sentence of Death, viz. Richard Whiting, John Maggie, and John Whitburne, for House-Robberies; and John White, for returning from Transportation. Eight other Malefactors were burnt in the Hand, and 43 Felons Convict were order'd for Transportation.

Oct. 19. Dy'd Mr. Canham, one of the Brothers of St. Catherine's near the Tower.

Dy'd the Lady Lawrence, Relict of Sir Edward Lawrence.

Mr. Warner made Gentleman-Usher to the Prince of Wales, in the Room of Mr. Douglass, deceas'd.

Dy'd Sir Godfrey Kneller, an eminent Painter, in the 78th Year of his Age.

Oct. 20. Dy'd Richard Bealing, Esq; of Bedford-street, Covent-Garden, Justice of Peace for the County of Middlesex, and City and Liberties of Westminster.

Dy'd at Florence, Cosmo de Medicis III. of the Name, Great Duke of Florence, in the 82d Year of his Age; being born in Aug. 14, 1642, and was succeeded by his Son John-Gaston de Medicis. He was eldest Son of the Great Duke Ferdinand de Medicis II. who dy'd March 24, 1670, and of Vittoria de la Rovere, Daughter of Frederick-Urbald-Anthony, Duke of Urbino. His Great Grandfather Cosmo I. was created Great Duke of Tuscany, Aug. 27, 1569, by Pope Pius V. and succeeded Alexander de Medicis, his Kinsman. who was kill'd Jan. 7, 1537, and in whose Favour, Florence, which had all along been a free City, was erected in 1530, into a Dutchy and Principality by the Emperor Charles V. On the 19th of April, 1661, the Deceas'd marry'd Margaret Louisa of Orleans, Daughter of Gaston John Baptists of Orleans, (only Brother of Lewis XIII) by Margaret of Lorraine, his second Wife. He had by this Princess, (though she spent her latter Years in France, where she dy'd Sept. 17, 1721) three Children, as follows: 1. Ferdinand de Medicis, born Aug. 9, 1663, who, on December 30, 1688, marry'd Violante Beatrix, Daughter to Maximilian-Mary-Emanuel, Elector of Bavaria, but left her a Widow, without any Issue, Oct. 13, 1713. 2. Mary-Ann-Louisa de Medicis, born Aug. 11, 1667, and marry'd June 5, 1691, to John-William, Elector Palatine, whose Widow she has been ever since June 8, 1716. 3. John Gaston de Medicis, the present Great Duke of Tuscany, who was born May 24, 1671, and marry'd at Dusseldorf, July 2, 1697, to Anna-Maria-Frances, Daughter of Julius-Francis, Duke of Saxe-Lawemburg, and Widow of Philip-William, Count Palatine of the Rhine, by whom he had no Children. The late Great Duke had an only Brother, viz. Francis-Maria, who in his Youth, enter'd into Holy Orders, and was made a Cardinal in 1686, (by Pope Innocent X) when he was but 26 Years of Age. Towards the Close of 1702, he was appointed Protector of the Affairs of France and Spain, at Rome, where he then resided: But on the 19th of June, 1709, he resign'd the Hat, and on the

the 14th of July following, marry'd the Princess *Eleonora de Gonzague*, Daughter of *Vincent Duke of Guastala*, and dy'd of a Consumption on the Third of February, 1711, in the 51st Year of his Age, without leaving any Issue. The Princess his Widow, marry'd again in 1719, to *Philip of Hesse d'Armstadt*, Governor of *Mantua*.

Dy'd in the 70th Year of his Age, *Christopher Vane*, Lord *Barnard* of *Barnard's-Castle* in the Bishoprick of *Durham*, and was succeeded in Honour and Estate by his eldest Son *Gilbert*. He left also one other Son, and one Daughter, viz. *William Viscount Vane*, Baron *Duncannon* in the County of *Tyrone* in the Kingdom of *Ireland*, so created in July, 1710, and *Grace*, his only surviving Daughter.

A Fire broke out on *Snow-Hill*, at the House of *Mr. Ring*, a Tallow-Chandler, which consum'd that House, and damag'd those adjoining.

*Mr. John Stanley*, a blind Youth, under 12 Years of Age, chosen Organist of the united Parishes of *All-Hallows Bread-street*, and *St. John the Evangelist*, in the Room of *Mr. William Babel*, deceas'd.

Dy'd Sir *James Mountague*, Knt. Lord Chief Baron of the Exchequer.

Oct. 23. *Mr. John Stanley*, lately an Ensign in the Guards, committed to *Newgate* for the Murder of *Hannah Maycock*, by stabbing her the Night before with his Sword, of which Wound she dy'd in less than an Hour.

Oct. 24. The Parliament met at *Westminster*, and was farther prorogu'd to the 19th of November following.

*George Rooke*, Esq; Son of *Sir George Rooke*, Knt. formerly Admiral, marry'd to Mrs *Ward*.

*Sir Henry Atkins*, Bart. marry'd to Mrs. *Stonehouse*, Daughter of *Sir John Stonehouse* of *Radley* in the County of *Berks*, Bart.

Oct. 25. One hundred and twenty Felons Convict, were shipp'd for Transportation.

Dy'd *John Deacle* of *Wingrave* in the County of *Bucks*, Esq;

Dy'd Dr. *Byfield*, famous for his Medicine call'd *Sal volatile oleosum*.

Colonel *Gulse*, eldest Captain of the first Regiment of Guards, marry'd to Mrs. *Herrwart*.

vert, Daughter of Baron d'Herwart, a French Gentleman.

Thomas Jerwas, Esq; made Principal Painter to his Majesty, in the Room of Sir Godfrey Kneller, deceas'd.

Oct. 16. Dy'd John Chamberlen, Esq; Secretary to the Governors of the Bounty of Queen Anne, and Member of the Society for propagating the Gospel in foreign Parts.

Dy'd Mr. Roger Norton, Printer to his Majesty in the Latin, Greek, and Hebrew Languages.

The Lady Benningfield, Sister of Richard Boyle, Earl of Burlington, and Wife of  
brought to Bed of a Son.

Dr. Richard Willis, Bishop of Winchester, appointed Clerk of the Closet to his Majesty, in the Room of Dr. Charles Trimmel, deceas'd, late Bishop of that Sec.

Dr. Richard Smallbrook, Canon-Residentiary of Hereford, Treasurer of the Cathedral Church of Landaff, and Chaplain to his Majesty, made Bishop of St. David's, vacant by the Death of Dr. Adam Ottley.

Dr. Lancelot Blackburn, Lord Bishop of Exeter, appointed Lord High Almoner to his Majesty, in the Room of Dr. Richard Willis, Bishop of Winchester.

Oct. 29. The Queen of Prussia brought to Bed of a Princess, who was baptiz'd by the Name of Amelia.

Oct. 31. Dy'd at Gatecombe in the Isle of Wight, Colonel Edward Redstone, aged 103 Years.

Dy'd the Lord William Hay, second Son of John Hay, Marquess of Tweedale, and Lieutenant-Colonel of the 3d Regiment of Guards.

Nov. 1. Dy'd at Bon, Joseph-Clement of Bavaria, Elector of Cologne, in the 32d Year of his Age, almost compleat, being born the 3th of December, 1671. He was Son of Ferdinand-Maximilian, Elector of Bavaria, who dy'd May, 26, 1679, and of Adelaide-Henrietta, Daughter of Victor Amadeus, Duke of Savoy, who dy'd the 18th of March, 1676. In 1685, he was chose Bishop of Ratisbon, but resign'd on the 26th of March, 1716, to his Nephew Clement-Augustus of Bavaria, who was Co-adjutor of it for three Months, but resign'd it in Favour of John-Theodore of Bavaria, his younger Brother. He was elected Archbishop, and Elector of Cologne, July 10, 1688, seven Days after the Death of his Cousin Maximilian-Henry of Bavaria, whom he succeeded not only in  
the

the Electorate, but also in the Principality and Provostship of *Berchtelsghaden*. On the 28th of *January*, 1694, the Chapter of *Hildesheim* chose him for Coadjutor to *Jesse Edmond*, Baron of *Brabeck*, who was Bishop of it 'till *Aug. 23*, 1702, when he dy'd. The 20th of *April*, 1694, he was chosen Bishop of *Liege*, in the Room of *John Lewis* of *Elderen*, who dy'd the First of *February* preceding. He celebrated his first Mass the First of *January*, 1707; was consecrated Archbishop of *Cologne*, the First of *May* the same Year; and on the 20th of *April*, 1717, receiv'd of the Emperor, by his Plenipotentiaries, the Investiture of the Temporalities of the Archbishoprick of *Cologne*, of the Bishopricks of *Hildesheim* and *Liege*, and of the Provostship of *Berchtelsghaden*. *Clement-Augustus* of *Bavaria*, Bishop of *Munster* and *Paderborn*, third Son to the Elector of *Bavaria*, succeeded his Uncle, the deceas'd Elector of *Cologne*, to whom he was elected Coadjutor on the 9th of *May*, 1722.

*Nov. 2.* Dr. *Snape* continu'd Vice-Chancellor of the University of *Cambridge*, for the Year ensuing.

*Nov. 6.* *James White*, *James Maggie*, and *Richard Whiting*, executed at *Tyburn*. (See *Oct.* 18.)

Dy'd Mr. *Thomas Bell*, a Nonjuring Clergyman.

Dr. *Mather*, President of *Corpus Christi College* in *Oxford*, appointed Vice-Chancellor of that University, in the Room of Dr. *Shippen*.

Dy'd Capt. *John Athin*, Secretary at War for *Scotland*.

Dy'd *Robert Hitch* of *Leavlos* in the County of *York*, Esq; formerly Member of Parliament for *Knaresborough* in that County.

*Nov. 7.* The Princess, Spouse of the Hereditary Prince of *Modena*, brought to Bed of a Prince.

*Nov. 8.* Dy'd Sir *Thomas Palmer* of *Wingham* in the County of *Kent*, Bart. Member of Parliament for *Re-shetter*.

*Thomas Vandeput*, Esq; a Merchant of *London*, created a Baronet of Great Britain.

Dy'd the Lady *Frances* Baroness-Dowager of *Haver-sham*, Relict of *John Thompson*, Baron of *Haver-sham*. She was Daughter of *Arthur Annesly*, Earl of *Anglesey*, and was first marry'd to *John Wyndham* of *Felbridge-Hall* in the County of *Norfolk*, Esq;

*Nov. 10.* Dy'd *Thomas Layton* of in the County of *Bucks*, Esq;

*Nov. 12.*

Nov. 12. Dy'd *George Meggot*, Esq; Brewer, and Member of Parliament for the Borough of *Southwark*.

Dy'd *William Parker* of *Park-Hall* in *Staffordshire*, Esq; Secretary to the Commission of Bankruptcy

*John Atkin* and *Richard Arnold*, Esqs. appointed Joint-Secretaries of War for Scotland, in the Room of *John Atkin*, Esq; deceas'd.

Nov. 14. *Peregrine Osborne*, Duke of *Leeds*, committed by the Privy Council, to the Custody of a Messenger.

At a general Court of the Corporation of the Sons of the Clergy, Dr. *William Wake*, Lord Archbishop of *Canterbury* was chosen President, in the Room of Dr. *Charles Trimmel*, Bishop of *Winchester*, deceas'd; and Mr.

*Verney*, Son of Dr. *George Verney*, Lord *Willoughby of Brook*, Vice-President, in the Room of Sir *Christopher Wren*, deceas'd.

Dy'd Dr. *Prat*, Dean of *Rochester*, Canon of *Windsor*, Vicar of *Twickenham* in *Middlesex*, and Chaplain of *St. John the Baptist's Chapel* in the *Savoy*, in the 72d Year of his Age.

Dy'd Carr Lord *Harvey*, eldest Son of *John Harvey*, Earl of *Bristol*.

Nov. 15. Dy'd of the Small-Pox in the 25th Year of his Age, *George Neville*, Lord *Abergavenny*, First Baron of *England*, and was succeeded in Honour and Estate by his only Brother, *Edward Neville*, Esq;

Dy'd *Samuel Perry* of *Goodman's Fields*, Esq; Justice of Peace for *Middlesex*, Deputy-Lieutenant, and Commissioner of Sewers for the *Tower-Hamlets*, and Commissioner of the Lieutenancy for the City of *London*.

Nov. 16. Sir *Robert Eyre*, Knt. one of the Justices of the Court of King's-Bench, appointed Lord Chief Baron of the Court of Exchequer, in the Room of Sir *James Mountague*, deceas'd.

*Thomas Reeve*, Esq; appointed one of the Justices of the Court of King's-Bench, in the Room of Sir *Robert Eyre*.

Nov. 17. The Lady *Tenham*; Widow of *Henry Raper*, Lord *Tenham*, brought to Bed of a Son. (See May 16.)

Nov. 18. Mr. *John Allen*, a Distiller in *Halbourn*, elected Warden of *Dulwich College* in the Room of Mr. *Allen*, deceas'd.

The Countess of *Lincoln*, Wife of *Henry Clinton*, Earl of *Lincoln*, brought to Bed of a Son,

Nov. 19.

Nov. 19. The Parliament met at *Westminster*, and was farther prorogu'd to the 10th of *December*.

Mr. *Naylor*, Chancellor of *Salisbury*, and one of the *Prebendaries* of that Cathedral, made Deputy-Clerk of the Closet to his Majesty, under Dr. *Richard Willis*, Lord Bishop of *Winchester*.

The Countess of *Bellamont*, Wife of *Richard Coote*, Earl of *Bellamont*, in *Ireland*, brought to Bed of a Son.

Nov. 20. Dy'd the Lady *Geminghen*, a German, Governess to the young Prince *William-Augustus*, and to the youngest Princess; and one of the Ladies of the Bed-chamber to the Princess of *Wales*: She had been also Governess to the other young Princesses.

The Lady *Abergavenny*, Widow of *George Neville*, Baron of *Abergavenny*, brought to Bed of two Daughters. (See Nov. 15.)

The Dutchess of *Marlborough*, Wife of *Francis Godolphin*, Earl of *Godolphin*, brought to Bed of a Daughter.

Nov. 22. Dy'd Mr. *Jesson*, Steward of *Christ's Hospital*.

*William Heathcote* of *Hursley* in the County of *Southampton*, Esq; appointed Secretary and Register of the Commission of Bankrupts, in the Room of *William Parker*, Esq; deceased.

*Philip*, Grandson of *France*, Duke of *Orleans*, of *Valois*, of *Chartres*, of *Nemours*, and of *Montpensier*, Regent of *France* during the Minority of *Lewis XV.* dy'd at *Versailles*, aged 49 Years and 4 Months, being born the 2d of *August*, 1674. He was Son of *Philip* of *France*, Duke of *Orleans*, only Brother of King *Lewis XIV.* who dy'd at *St. Cloud* the 9th of *June*, 1701, and of *Elizabeth-Charlotte* of *Bavaria*, who dy'd the 8th of *December*, 1722. He was marry'd the 18th of *February*, 1692, to *Mary-Frances* a Legitimated Daughter of *France*, Daughter of *Lewis XIV.* by *Madam de Montespan*, born in *May*, 1677, and legitimated, Nov. 4, 1681; by her the Duke of *Orleans* had Issue, 1. A Princess of *Orleans*, styl'd *Mademoiselle de Valois*, born Dec. 17, 1693, dy'd Oct. 17, 1694, without being nam'd.

2. *Mary-Louise-Elizabeth* of *Orleans*, styl'd *Mademoiselle*, born at *Versailles*, Aug. 20, 1695, marry'd July 6, 1719, to *Charles* of *France*, Duke of *Berry*, who dy'd May 4, 1714. This Princess is also since dead.

H

3. *Louise-*

Dy'd *Peter Feye*, Esq; one of the Commissioners for victualing his Majesty's Navy.

Dec. 6. A Proclamation publish'd for farther proroguing the Parliament from the 10th of this Month, to the 9th of *January* following.

Mrs. *Gorges*, Widow of Colonel *Gorges* of *Herefordshire*, marry'd to *Smith*, Esq; one of the Six Clerks in Chancery.

Dec. 7. The four following Malefactors receiv'd Sentence of Death at the *Old Baily*, viz. *John Stanley* for the Murder of Mrs. *Hannah Maycock* (See Oct. 23.) *John Harbinger*, a Drover, for robbing on the Highway, *Thomas Saunders* for Felony, and *Jane Martin* for Shoplifting; who pleading her Belly, was found with quick Child. Five were burnt in the Hand, and 26 order'd for Transportation.

*Martin Madan*, Esq; marry'd to Mrs. *Judith Cowper*, only Daughter of *Spencer Cowper*, Esq; Uncle of *William Earl Cowper*.

Dec. 11 Dy'd the Lady *Wych*, Relict of Sir *Cyril Wych*. The Lady *Seabright*, Wife of Sir *Thomas Seabright* of *Beach Wood* in the County of *Hertford*, Bart. brought to Bed of a Son.

Dec. 12. Capt. *Charles Long*, formerly Commander of one of his Majesty's Ships of War, shot himself with a Pistol, and dy'd immediately.

Dy'd *Thomas Mansel*, Lord *Mansel* of *Margam*. He marry'd *Martha*, sole Daughter and Heiress of *Thomas Millington* of *London*, Merchant, and by her had Issue three Sons and three Daughters; viz. *Robert*, *Christopher*, and *Bushy*; *Martha*, *Elizabeth*, and *Mary*. His eldest Son marry'd *Anne* Daughter and Coheiress of Sir *Cloudesty Shovel*, Knt. and dying before his Father, by her left Issue one Son and one Daughter, which Son succeeded in the Honour.

Dec. 23. Dy'd Mr. *Ogilby*, Lecturer of *St. Stephen's*, *Coleman-street*.

Dy'd Mr. *Edwards*, Deputy-Alderman and Common Council-Man for *Bishopsgate Ward*, as he was filling his Pipe by his Fire-side.

*C. H.*

F I N I S.



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A

# T A B L E

OF THE

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